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Ontario Statutes

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Third Year of the Reign of His Majesty
KING GEORGE VI

Being the Third Session of the Twentieth
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE EIGHTH DAY OF MARCH
IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND THIRTY-NINE

1939



ONTARIO

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21.

HIS HONOUR ALBERT MATTHEWS, LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by T. E. Bowman, Printer to the King's Most Excellent Majesty
1939

FOREWORD

Many inquiries have been received as to the commencement date of Acts in which no indication is given as to the date of commencement. Attention is drawn to section 4 of The Statutes Act, R.S.O. 1937, chapter 2, which reads as follows:

4.—(1) The Clerk of the Assembly shall endorse on every Act, immediately after the title of such Act, the day, month and year when the same was by the Lieutenant-Governor assented to, or reserved, and the day, month and year of the prorogation of the session of the Legislature at which the Act was passed, and where the Act is reserved the Clerk shall also endorse thereon the day, month and year when the Lieutenant-Governor has signified, either by speech or message to the Assembly, or by proclamation, that the same was laid before the Governor-General in Council, and that the Governor-General was pleased to assent thereto.

(2) Such endorsements shall be taken to be a part of the Act and unless otherwise provided therein the Act shall come into force and take effect on the sixtieth day after the prorogation of the session of the Legislature at which the Act was passed or on the sixtieth day after the day of signification, whichever is the later date.

Accordingly, as all Acts passed at the Session of 1939 received the Royal Assent prior to or upon the date of the prorogation of the session, such Acts, unless otherwise provided therein, shall come into force on the 26th day of June, 1939.

It will be observed that three changes in the style of the Statutes and the printing thereof have been introduced. The short title section now appears as the last section of each Act. This will facilitate the next revision of the Statutes of Ontario as no short title sections appear in the Revised Statutes. A dual system of pagination has been adopted, each Act being individually numbered at the foot of each page. Each Act is also made to commence upon a right-hand page of the Statute book.

GORDON D. CONANT,
Attorney-General.

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PART I
PUBLIC ACTS
Chapters 1 to 54



ONTARIO

3 GEORGE VI

CHAPTER 1

An Act respecting Agricultural Societies.

Assented to April 14th, 1939.

Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion.

(a) "Board" shall mean the board of a society;

"Board."

(b) "Department" shall mean Department of Agriculture;

"Depart-
ment."

(c) "Headquarters" shall mean the place named as the headquarters in the declaration forming a new society or the place approved or named as the headquarters by the Minister or the place where a society held its last annual exhibition;

"Head-
quarters."

(d) "Minister" shall mean Minister of Agriculture;

"Minister."

(e) "Society" shall mean agricultural society organized under this Act or under any former *Agricultural Societies Act* or *Agriculture and Arts Act*; and

"Society."

(f) "Superintendent" shall mean Superintendent of Agricultural Societies.

"Superin-
tendent."

2. The Minister may decide all matters of doubt or dispute arising in the operation or construction of this Act and his decision shall be final, provided that an appeal from any decision of the Minister may be made to the Lieutenant-Governor in Council.

Powers of
Minister.

3.—(1) Subject to the provisions of this section a society may be organized with headquarters at any place in Ontario.

Organiza-
tion.

(2) When it is proposed to organize a society with headquarters within twenty-five miles of an existing society the officers of such existing society shall be afforded a reasonable opportunity to make recommendations to the Minister regarding the advisability of organizing the proposed society,

Recom-
mendations
of existing
society.

and the Lieutenant-Governor in Council may, upon the recommendation of the Minister, grant permission for the organization of any such proposed society.

Mode of
organiza-
tion.

4. The mode of organization shall be as follows:

Declaration.

- (a) A declaration in the form prescribed by the Minister shall be signed by the persons who desire to organize a society, provided that such persons shall be of the age of eighteen years or over and shall reside within ten miles of the place designated in the declaration as the headquarters of such society;

Signatories
to declara-
tion.

- (b) The declaration shall be signed by at least sixty persons, provided that in provisional judicial districts and provisional counties the number required to sign the declaration shall be forty;

Fees payable
by signator-
ies.

- (c) Every person who signs the declaration shall pay to the person having charge thereof, the sum of not less than \$1 at the time of signing such declaration and all such sums of money shall become the property of the society upon its organization, provided that where no society is organized such sums shall be repaid to the persons entitled thereto;

Transmitting
declaration.

- (d) Within one month after the required number of persons have signed the declaration, such declaration shall be forwarded to the Superintendent who may, with the approval of the Minister, authorize any person to call a meeting for the organization of the society;

Calling first
meeting.

- (e) Such organization meeting shall be held during the month of January, or at such other time as the Superintendent may authorize, upon at least two weeks' notice published in a newspaper having a general circulation in the district surrounding the headquarters of the society and by mailing a notice by prepaid post to each person who has signed the declaration;

Quorum.

- (f) At the organization meeting and at every annual and special meeting of a society, fifteen members shall form a quorum;

Election of
officers.

- (g) At the organization meeting there shall be elected a board of twelve directors who shall hold office until the next annual meeting or until their successors are elected, and such directors shall elect a president,

a first vice-president and a second vice-president from among themselves;

(h) The board shall consist of the directors and the president, first vice-president and second vice-president; Board.

(i) At the organization meeting there shall be elected two auditors who shall hold office until the next annual meeting; and Auditors.

(j) A report of the organization meeting, certified by the president, the secretary and the organizer, containing a statement of the members and a list of the officers elected and appointed, shall be sent to the Superintendent within one week after the holding of the meeting. Transmission of report of organization meeting.

5.—(1) Upon receipt of the report mentioned in clause j of section 4, the Superintendent, with the approval of the Minister, may declare such society to be a society within the meaning of this Act and such society shall bear the name designated in the declaration as the headquarters or such other name as may be determined by the members and approved by the Minister. Declaration of society.

(2) In case of a dispute as to the name of any society, or in any case where in the opinion of the Minister the name of a society prejudicially affects the interest of another society he may change the name of the society. Change of name.

6.—(1) Every person of the age of eighteen years or over shall be entitled to become a member of a society. Persons entitled to membership.

(2) Subject to the by-laws of a society, a firm or an incorporated company may become a member thereof by the payment of the regular fee, but the name of one person only shall in any one year be entered as the representative or agent of such firm or company, and that person only shall exercise the privileges of membership in the society. Firms and companies may be members.

(3) In every society there shall be an annual membership fee of not less than \$1. Membership fee.

7.—(1) Upon the recommendation of the Superintendent, the Minister may authorize any society to elect not more than six additional directors and not more than six junior directors not over thirty years of age. Additional directors.

(2) Any society may appoint not more than six honorary directors, provided that such honorary directors shall not be entitled to vote or take part in meetings of the board. Honorary directors.

Objects of
society.

8.—(1) The objects of a society shall be to encourage interest, promote improvements in and advance the standards of agriculture, domestic industry and rural life, by,—

- (a) surveying and studying the agricultural and living conditions and by doing such acts as may assist in solving the rural economic and social problems of the district surrounding the headquarters of the society;
- (b) organizing and holding agricultural exhibitions and awarding premiums thereat;
- (c) holding public meetings and demonstrations for the purpose of discussing agricultural problems;
- (d) owning pure bred live stock, and by distributing seeds and plants;
- (e) taking action to eradicate poisonous and noxious insects, weeds, animal parasites and diseases;
- (f) encouraging and promoting reforestation and rural beautification;
- (g) providing seed cleaning plants, grading machinery and storage facilities; and
- (h) encouraging young people to become interested in and adopt better agricultural and domestic practices and for such purposes to hold competitions.

When grant
forfeited.

(2) Any society which expends any of its funds in any manner inconsistent with the objects set out in subsection 1 shall forfeit all claims to participate in any legislative grant.

Annual
meeting.

9.—(1) Every society shall hold an annual meeting during the month of January at such time and place as the board may determine or, subject to the approval of the Superintendent, at such other time and place as may be fixed by the by-laws of the society.

Who may
vote.

(2) At any such meeting only those members who were members of the society during the previous year and who have paid the membership fee for the current year shall be entitled to vote.

Notice of
annual
meeting.

(3) At least two weeks' notice of every annual meeting shall be given by publication of a notice of such meeting in at least one newspaper having a general circulation in the municipality in which the headquarters of the society is

situate and by mailing notices of such meeting to every member of the society at the address furnished to the secretary.

(4) When any society fails to hold its annual meeting at the time mentioned in subsection 1, the Minister may appoint a time and place for holding such annual meeting.

Minister may appoint time for meeting.

10. At every annual meeting,—

Procedure at annual meeting.

- (a) the board shall present a report of the activities and accomplishments of the society since the last annual meeting and a detailed statement of the receipts and expenditures since the last annual meeting and a statement of the assets and liabilities of the society, certified by the auditors, in the form prescribed by the Minister; and
- (b) the officers and other members of the board, including the auditors, shall be elected and appointed in the manner provided by section 4 and any additional, honorary and junior directors shall be elected and appointed.

11.—(1) A statement of officers and members and a copy of the report and financial statement in the form prescribed by the Minister and certified by the president, secretary and treasurer, or secretary-treasurer and auditors to be true copies shall be forwarded to the Superintendent within one month after the holding of the annual meeting.

Statement to be sent to Superintendent.

(2) The officers of every society shall on or before the 1st day of March in every year forward to the Superintendent a return in the form prescribed by the Minister verified by an affidavit of an officer of the society showing the amount expended during the previous year by such society for agricultural purposes.

Annual returns.

(3) Where a society holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or a field crop or other competition, the officers of the society shall within one month after the holding of such spring show or competition forward to the Superintendent on a form supplied by the Department and verified by affidavit, an itemized statement showing the receipts and expenditures including prizes awarded in connection therewith, together with the number of entries.

Statement of expenses.

(4) Any officer of a society who wilfully makes a false statement in any report or statement required to be furnished under this Act, shall be liable to a penalty of not more than \$100 or to imprisonment for not more than thirty days;

Penalty for false statement.

provided that no prosecution under this subsection shall be commenced later than one year after the making of such report or statement.

Special
meeting.

12. On the petition of thirty members of a society, the secretary, and in his absence, the president or first vice-president, shall call a special general meeting for the transaction of the business mentioned in the petition and the meeting shall be advertised in the manner prescribed by subsection 3 of section 9 and the advertisements shall state the nature of the business to be transacted.

Minister
may require
information.

13. The Minister may at any time require any society or any officer of a society to furnish such information regarding the society as he may deem necessary or desirable and such information shall be accompanied by an affidavit of all or any of the officers of the society deposing to its accuracy.

Dissolution
in certain
instances.

14.—(1) In the event of failure to hold the annual meeting of a society in accordance with the provisions of this Act, or in the event of the number of members of a society on the 1st day of September in any year, being less than the number required for organization, such society shall not be entitled to receive any further Government grant and shall be deemed to be dissolved, subject always to the direction of the Minister, provided that the persons comprising the board during the last year of the existence of such society shall be trustees of the assets of the society and shall forthwith deliver to the Superintendent a statement of the assets and liabilities of the society.

Payment of
debts on
dissolution.

(2) Subject to the approval of the Minister, the Superintendent may direct the members of the board to pay the debts of the society out of the moneys and other assets remaining in their hands and to liquidate any of the assets for such purpose.

Disposition
of assets
after debts
paid.

(3) Subject to the approval of the Minister, any moneys and other assets remaining after the payment of debts shall be disposed of by the board in such manner as they may determine.

Reorganiza-
tion.

(4) When a society dissolves or ceases to exist it may be reorganized *mutatis mutandis* in the manner prescribed by section 4.

Meetings
of board.

15. A meeting of the board shall be called by the secretary upon the direction of the president, or in his absence by the first vice-president, or in the absence of the president and the first vice-president, by the second vice-president, or by any three members of the board, by sending notice thereof to

all the members of the board at least seven days prior to the time fixed for such meeting, provided that a meeting of the board may be held immediately following any annual, regular or special meeting of the society without notice.

16.—(1) Subject to the by-laws and regulations of the society, the board shall have power to act for and on behalf of the society in all matters. ^{Powers of board.}

(2) Seven of the members of the board shall constitute a quorum.

(3) In the event of a vacancy occurring on the board by the death or resignation of any officer or director or otherwise, the remaining members of the board shall have power to appoint any member of the society to fill such vacancy, provided that when three or more vacancies occur at the same time the Superintendent may order the remaining members of such board to call a special general meeting of such society in the manner prescribed by section 9 and directors shall be elected and appointed at such meeting to fill the vacancies. ^{Filling vacancies.}

(4) The board, from among themselves, may appoint an executive committee of not more than five members to exercise and perform such of its powers and duties as the board may prescribe. ^{Executive committee.}

(5) The board may appoint a manager to perform such of its powers and duties as it may prescribe. ^{Manager.}

(6) The board, from among themselves or otherwise, shall appoint a secretary and a treasurer, or a secretary-treasurer, who shall remain in office during pleasure, and the secretary or secretary-treasurer shall be a member of every committee which may be appointed by the board and may be appointed managing director acting under the control and with the approval of the board. ^{Secretary, Treasurer.}

(7) No officer of a society except the secretary, treasurer, secretary-treasurer or manager shall receive any remuneration, provided that travelling and living expenses may be allowed to any officer while engaged in duties on behalf of such society and the board may fix such remuneration and travelling and living expenses which shall be payable out of the funds of the society. ^{Salaries.}

17. Subject to the provisions of section 9, the board may determine what regular or special meetings of the society shall be held during each year. ^{Meetings.}

18.—(1) The treasurer or secretary-treasurer of every society, before entering upon the duties of his office, shall ^{Security by treasurer of society.}

give such security to the society, either by joint or several covenant with one or more sureties, in such form and for such amount as the board may deem necessary for the faithful performance of his duties, and especially for the due accounting for and paying over all moneys which may come into his hands.

Duty of board as to security.

(2) It shall be the duty of the board in each and every year to inquire into the sufficiency of the security given by such treasurer or secretary-treasurer and to report thereon to the society, and where the same treasurer or secretary-treasurer for any society is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any security given to the society for the faithful performance of his duties under such reappointment shall continue valid as against the parties thereto.

Personal responsibility of officers for loss.

(3) If the board neglects to procure and maintain proper and sufficient security each member thereof shall be personally responsible for all funds of the society that may have been received by the treasurer.

By-laws and regulations.

19.—(1) By-laws and regulations of a society may be made, adopted, amended or repealed at any organization, annual or regular meeting of the society or at a special meeting of which notice has been given in the manner provided by subsection 3 of section 9.

Preventing certain performances, huckstering, etc.

(2) The officers of a society may by their rules and regulations prohibit and prevent theatrical, circus or acrobatic performances, exhibitions or shows and may also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the exhibition grounds or within three hundred yards thereof on the day of an exhibition, and any person who, after notice of such rules and regulations, violates any provisions thereof shall be liable to be removed by an officer of the society or any constable and shall be liable to the penalties provided in the Act.

Incorporation and power to hold land.

20.—(1) Every society shall be a body corporate, with power to acquire and hold land as a site or as an enlargement of an existing site and the society shall have and may exercise the like powers as to lands required for the enlargement of an existing site as in the case of lands required for the original site, for fairs and exhibitions, and, subject to the approval of a meeting of the society called for that purpose may sell, mortgage, lease, or otherwise dispose thereof, or of any other property held by such society, provided that no lands of a society shall be mortgaged without the written approval of the Superintendent.

(2) At least two weeks' previous notice of such meeting shall be given by advertisement in not less than one newspaper having a general circulation in the district surrounding the headquarters of the society, and at such meeting only those persons shall be entitled to vote who are members for the current year and who were members for the two previous years.

Notice of meetings to consider disposition of property.

21.—(1) Subject to the approval of the Lieutenant-Governor in Council, if the owner of the land selected as a site for fairs and exhibitions, approved of at a meeting of the society called for that purpose, refuses to sell such lands or demands therefor a price deemed unreasonable by the board, such owner and the board shall each forthwith appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall determine the value of such land.

Acquiring site; arbitration to fix price.

(2) If the directors or the owner of such land neglect or refuse to appoint an arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of the party who has so appointed an arbitrator and on notice to the opposite party, appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator and if the arbitrators appointed as aforesaid fail to agree on, or either of them refuses to appoint a third arbitrator, the judge of the county or district court of the county or district in which the land is situate may, on the application of one or other of the said arbitrators and on notice to the other, appoint a third arbitrator.

Appointment of arbitrator by county judge.

(3) The arbitrators so appointed shall have the power to hear and determine all claims or rights of encumbrancers, lessees, tenants or other persons as well as those of the owner of the land required for the purpose of such site upon notice in writing to every such claimant or person.

Powers of arbitrators.

(4) Upon payment by the board of the amount determined by a majority of the arbitrators, to the owner or other persons entitled thereto, the land may be taken and used for the purposes of the society.

Payment of compensation.

(5) Any award for a site for fairs and exhibitions made and published twice in a newspaper having a general circulation in the district surrounding the headquarters of the society, shall, if there be no conveyance, be deemed to vest the title of the site in the society, and the title of the society shall be good against all persons interested in the land in any manner whatever, and shall be registered in the proper registry office, or land titles office, with the affidavit of the secretary and

Effect of award.

treasurer or secretary-treasurer of such society verifying such award and the publication thereof.

Expenses of arbitration.

(6) The parties concerned in all such disputes shall pay all the expenses incurred in regard to them, according to the award or decision of the arbitrators or a majority of them.

Joint ownership of lands with municipality.

22. Any township society and town or village municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any land or buildings for the purpose of agricultural fairs or exhibitions, may continue jointly to hold such land or buildings, or may sell, mortgage, lease or otherwise dispose thereof, subject to the approval of a meeting of the society as provided in section 20.

Grants out of provincial fund.

23. On the recommendation of the Minister, every society shall be entitled to receive a grant out of the moneys appropriated by the Legislature for such purpose on condition,—

- (a) that the number of paid-up members for the current year is not less than sixty, except in the case of societies organized in provisional judicial districts or unorganized counties, where the number of paid-up members shall not be less than forty;
- (b) that all reports and returns required by this Act have been made to the satisfaction of the Superintendent;
- (c) that the annual meeting has been held as required and the officers elected, in accordance with section 10;
- (d) that the objects of the society as prescribed by section 8 have been strictly adhered to, and that none of the funds of the society, from whatever source derived, have been expended in any manner not in harmony with such objects; and
- (e) that all other provisions of this Act have been complied with.

Division of provincial grant.

24.—(1) Such moneys as may be appropriated by the Legislature for the purposes of grants under this Act, except the moneys appropriated under section 25, shall be subject to division among the societies according to the following plan,—

- (a) a society that has owned and maintained pure bred stock, for the benefit of its members, for a period of at least nine months during the next preceding year, shall receive a grant of \$100 for every registered stallion, \$25 for every registered bull, \$10 for every

registered boar and \$5 for every registered ram owned by such society, and in the event of a society devoting its funds solely for the maintenance of pure bred stock and field crop or other competitions, such society shall receive a special membership grant of \$1 for every member of the society in good standing, up to fifty;

- (b) a newly organized society, during the first three years of its existence, shall receive a grant each year equal to \$1 per member up to three hundred members;
- (c) a society which holds a spring stallion show, a spring bull show, a combined spring stallion and bull show, or field crop or other competitions shall receive a grant equal to one-half the sum expended in the holding of such show, provided that no society shall be entitled to receive a sum in excess of \$50 for any such show or competition; and
- (d) the balance of moneys remaining after the other grants in this section have been provided for shall be subject to division among the societies, other than new societies, in proportion to the amount such societies expended during the three preceding years for agricultural purposes as shown in the statements forwarded to the Superintendent provided that:
 - (i) societies in provisional judicial districts and unorganized counties shall be entitled to receive their grants on the basis of double the amount of other societies; and
 - (ii) no society shall in any year be entitled to receive a grant in excess of \$800.

(2) If the Superintendent, upon receiving proof on or before the 31st day of October in any year, by the joint affidavit of the president, secretary and treasurer or secretary-treasurer of an agricultural society that rain or snow has fallen at the place of holding an exhibition before three o'clock in the afternoon on any day during which such exhibition was held, or that during such exhibition or within thirty days prior thereto, one or more buildings on the exhibition grounds was destroyed by fire or storm, is satisfied that as a consequence of such weather or such destruction the gate receipts were less than the average gate receipts for exhibitions held by the society during three previous normal years, such society shall be entitled to receive a grant of not more than ninety per centum of the difference between the gate receipts of the current year and the average amount of the gate receipts

Allowance
where gate
receipts
reduced by
weather.

of such three previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

Grant where gate receipts reduced owing to wet weather.

(3) In the event of a society which has been organized for only two years suffering loss in gate receipts owing to wet weather, it shall be entitled to receive a grant equal to seventy-five per centum of the difference between the gate receipts of the current year and those of the previous year, and in case of loss of gate receipts from the above cause during the third year of a society's existence, the grant shall be seventy-five per centum of the difference between the gate receipts of that year and those of the average of the two previous years, provided that no society shall in any year receive a grant in excess of \$500 for any such loss in gate receipts.

Special aid to certain exhibitions.

25. Such amount of money as may be appropriated by the Legislature for the purpose of this section shall be subject to division among The Canadian National Exhibition Association of Toronto, The Central Canada Exhibition Association of Ottawa, and The Western Fair Association of London in proportion to the amount of money expended for agricultural purposes by such associations as mentioned in section 8, provided that not more than \$2,500 shall be paid to any such association and upon condition,—

- (a) that returns have been made to the Superintendent similar to those prescribed by section 11 in a manner satisfactory to the Superintendent;
- (b) that no other grants have been received under the provisions of this Act; and
- (c) that the Minister has given his approval to such grant;

provided that no such society shall in any year be entitled to receive a grant in excess of fifty per centum of the moneys appropriated by the Legislature for the purpose of this section for such year.

Grants from municipal councils.

26.—(1) The municipal council of any city, town, village, county or township in Ontario may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality or partly within the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act, provided that the total amount or value of the money or land heretofore or hereafter granted or loaned by any municipality to an agricultural society under this section

shall not exceed, in the case of a city, \$5,000, in the case of a town, \$2,000, and in the case of a village, \$1,000.

(2) If such grant is a loan of money to enable the society to acquire land, such municipality may hold the land so acquired or may take a mortgage thereon, as security for the amount of such grant until the amount of such grant is repaid to the municipality, and any such grant heretofore made in accordance with the provisions of this Act shall be legal and valid.

Security
for loans
from muni-
cipalities.

(3) Any such municipality owning land or buildings for public purposes shall have the power to make agreements on such terms and for such periods as they may deem expedient with any company formed under the provisions of chapter 196 of the Revised Statutes of Ontario, 1897, or under any enactment that may be substituted therefor, or with any agricultural society for the use of such land or buildings, or either of them or for the privilege of erecting upon such land, subject to such terms as may be agreed upon, such buildings as it may require for agricultural and industrial shows, and to give the company the power of renting such grounds and buildings when owned by the company, to any agricultural society formed under this Act for the purposes of the annual show of the society, and to grant to such company or society the power to collect during such show, or at other times, as may be agreed, from any person wishing to go into or upon any such grounds or buildings, or for any privilege thereon, or for any carriage, wagon or other vehicle, or for any horse or other animal that may be taken thereon, such entrance fee or other charge as the company or society may deem necessary or expedient.

Agreements
as to use of
buildings.

(4) Any municipality may pass by-laws providing for the erection of buildings upon parks, fair grounds or other property belonging to any such municipality, for the joint purposes of the municipality and of any agricultural society, or other body, or trustees for any club or society, upon such agricultural society, other body, or trustees undertaking to contribute to the cost of such building, and in such case, the municipality shall have power to grant leases for a term not exceeding twenty-one years, to such agricultural society, other body, or trustees, for the use of such building at such time as to the council may seem proper, and upon such terms as may be arranged with the council, and the powers hereby granted may be exercised in respect of any building erected since the 1st day of January, 1919.

By-laws for
common use
of buildings
on municipal
property.

27. The property of an agricultural society shall be exempt from taxation other than taxes for local improvements when

Exemption
from taxa-
tion.

in actual occupation by the society, or by its tenants if the rent is applied solely for the purposes of the society.

Regulations. **28.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations,—

- (a) providing the terms and conditions upon which any society may hold races or trials of speed for horses and the amount of money that any society may award as prizes therefor;
- (b) subject to the provisions of section 23, prescribing the terms and conditions upon which societies may be entitled to receive grants out of the moneys appropriated by the Legislature;
- (c) limiting the exhibitors of any society to persons residing within defined areas;
- (d) prescribing the powers and duties of the officers of a society; and
- (e) generally for the better carrying out of the provisions of this Act.

**Appointment
of
constables.**

29.—(1) Any justice of the peace having jurisdiction in any city, town, village or township, wherein a fair or exhibition is held, shall, on the request of the president or executive committee of any society, appoint as many constables as may be required.

**Duty of
constables.**

(2) Such constables shall be paid by the society and it shall be their duty to protect the property of the society within the exhibition grounds, and to eject all persons who may be improperly within the grounds, or behave in a disorderly manner, or violate any of the rules or regulations of such society.

**Interfering
with
officers.**

(3) If any person wilfully hinders or obstructs the officers or servants of any society or any constable appointed under this section in the execution of their duties, or gains admission to the grounds contrary to the rules of the society, he shall incur a penalty of not less than \$1, nor more than \$20, to be paid to such society for its use and benefit.

Inspection.

30. The Minister may appoint a person to inspect the books and accounts of any society receiving government grants under this Act, and may empower such person to summon witnesses and enforce the production of documents before him, and to take evidence upon oath in regard to the matters under inspection, and every officer of a society shall,

when required, submit the books and accounts thereof to such inspection.

31. Where the board of a society has reason to believe that any member or other person exhibiting any farm product, animal, fowl or other goods at any exhibition of the society has committed a fraud or made any misrepresentation in respect of any such farm product, animal, fowl or other goods, the board may withhold payment or delivery of any premium or prize to such person until such person proves to the satisfaction of the board that no fraud or misrepresentation has in fact been committed or made.

Fraud or
misrepresentation by
an exhibitor.

32.—(1) Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable to a penalty not exceeding \$50.

Penalty.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Application
of Rev. Stat.,
c. 136.

33. *The Agricultural Societies Act*, being chapter 81 of The Revised Statutes of Ontario, 1937, is repealed.

Rev. Stat.,
c. 81, re-
pealed.

34. This Act may be cited as *The Agricultural Societies Act*, 1939.

Short title.

CHAPTER 2.

An Act to amend The Apprenticeship Act.

*Assented to April 14th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Apprenticeship Act* is amended by adding thereto the following subsections: Rev. Stat., c. 192, s. 16, amended.

- (4) The Lieutenant-Governor in Council may direct payment out of such sums as may be appropriated by the Assembly for that purpose, of the travelling expenses of the members of a provincial advisory committee and a per diem allowance for the time spent by each of the members thereof in attending meetings of the said committee, and of any expenses properly incurred by such committee in carrying on its duties. Allowance and travelling expenses.
- (5) Subject to the approval of the Minister, the Board may appoint examiners to assist in the conduct of examinations prescribed for any designated trade, and such examiners, upon the direction of the Lieutenant-Governor in Council may be paid their travelling expenses and a per diem allowance for their services out of such sums as may be appropriated by the Assembly for that purpose. Examiners, appointment by board.

2. This Act may be cited as *The Apprenticeship Amendment Act, 1939.* Short title.

CHAPTER 3.

The Assessment Amendment Act, 1939.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 22 of section 4 of *The Assessment Act* is amended by adding thereto the following clause:

<p>(b) The council of a town, village or township may by by-law provide that if any part of a farm exempted from taxation ceases to be used for forestry purposes or to be "woodlands" so as not to come within the purview of this paragraph, the assessor shall so report to the clerk who shall forthwith amend the collector's roll by inserting therein the rates or taxes with which such farm would have been chargeable for the preceding three years if such part of the farm had not been so exempt or such portion of such taxes or rates as the by-law may provide or the council may by resolution deem proper, and such rates or taxes or portion thereof shall be collectible in accordance with such amended roll.</p>	<p>Rev. Stat., c. 272, s. 4, par. 22, amended.</p> <p>Power to pass by-law respecting farm lands which cease to be "wood- lands."</p>
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2. Clause *e* of subsection 1 of section 23 of *The Assessment Act* is amended by adding at the end thereof the following words "provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals" so that the said clause shall now read as follows:

<p>(e) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole or a portion of any building thereon) in the separate occupation of any person, shall be separately assessed; provided that in cities no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals.</p>	<p>Rev. Stat., c. 272, s. 23, subs. 1, cl. <i>e</i>, amended.</p> <p>Each lot to be assessed.</p> <p>Proviso.</p>
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Rev. Stat.,
c. 272, s. 39,
subs. 9, re-
enacted.

3. Subsection 9 of section 39 of *The Assessment Act* is repealed and the following substituted therefor:

Limited
municipal
tax on
income.

Rev. Stat.,
c. 28.

(9) Notwithstanding anything in this section contained the income tax payable to any municipality upon a mine or mining work liable to taxation under section 4 of *The Mining Tax Act* shall not exceed,—

- (a) one and one-half per centum of the amount of the annual profits upon which the tax payable under the said section 4 is based, up to and including \$2,333,333.33; and
- (b) two and one-half per centum of the annual profits upon which the tax payable under the said section 4 is based, which are in excess of \$2,333,333.33.

Rev. Stat.,
c. 272, s. 42,
subs. 1,
amended.

4. Subsection 1 of section 42 of *The Assessment Act* is amended by inserting after the word "lighting" in the thirteenth line the words "oiling, tarring, treating for dust," so that the said subsection shall now read as follows:

Exemption
of farm
lands from
taxation
for certain
expenditures.

- (1) In a town or village where lands, held and used as farm lands only and in blocks of not less than ten acres by any one person, are not benefited to as great an extent by the expenditure of moneys for and on account of public improvements of the character hereinafter mentioned in the municipality as other lands therein generally, the council of such town or village shall annually, at least two months before striking the rate of taxation for the year, pass a by-law declaring what part, if any, of such lands shall be exempt or partly exempt from taxation for the expenditure of the municipality incurred for waterworks, whether for domestic use or for fire protection or both, the making of sidewalks, the construction of pavements and sewers or the lighting, oiling, tarring, treating for dust and watering of the streets, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them.

Rev. Stat.,
c. 272, s. 60,
subs. 3,
amended.

5. Subsection 3 of section 60 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the eighth and tenth lines respectively and inserting in lieu thereof the word "ten," so that the said subsection shall now read as follows:

Appeals
to county
judge.

- (3) The county judge may sit from time to time throughout the year for the purpose of hearing appeals

from the court of revision upon the determination of appeals made to the court with respect to each roll, and the time for appeal to the court of revision shall be within ten days after the last day fixed for the return of the roll for each ward or subdivision of a ward, and the time for appealing from the court of revision to the county judge shall be within ten days after the decision of the court of revision where it is given at the hearing of the appeal, and where it is reserved within ten days after written notice of such decision has been delivered to the appellant or sent to him by registered letter post by the clerk of the court.

6.—(1) Subsection 2 of section 104 of *The Assessment Act* is amended by striking out the words “city or town or township bordering on a city having a population of more than 50,000” in the third and fourth lines and inserting in lieu thereof the word “municipality,” so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272,
s. 104,
subs. 2,
amended.

(2) Notwithstanding anything contained in subsection 1 or in *The Public Schools or Separate Schools Acts*, the council of any municipality may by by-law provide that the clerk shall set down the name in full of every person assessed and the assessed value of his real property, taxable business and income, as ascertained after the final revision of the assessment roll, and opposite such assessed value he shall set down in a column for that purpose the total amount for which the person is chargeable for all sums ordered to be levied by the said council or school boards for the purposes thereof.

Preparation
of collector's
roll.
Rev. Stat.,
c. 272, s. 104,
362.

(2) The said section 104 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 272, s. 104,
amended.

(6) Notwithstanding anything contained in this or any other Act, the council of any city having a population of more than 50,000 may by by-law provide that the clerk shall not enter on any collector's roll the name of any tenant or lessee unless such tenant or lessee is required by the terms of his lease to pay the taxes.

Certain
names to
be omitted
from
collector's
roll.

7. Section 113 of *The Assessment Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 272,
s. 113,
amended.

(9) Where the treasurer or the collector of taxes receives part payment on account of taxes due for any year, he shall credit such part payment first on account of the interest and percentage charges, if any, added to such taxes.

Disposition
of part
payment of
taxes.

Rev. Stat.,
c. 272, s. 123,
subs. 8,
amended.

8. Subsection 8 of section 123 of *The Assessment Act* is amended by striking out the words "and no appeal shall lie from the decision of the county court judge on any such appeal" at the end thereof, so that the said subsection shall now read as follows:

Appeal
against
income
taxation.

- (8) A person whose name is entered in the special roll of taxable income shall not be entitled to notice of such entry, but, upon receipt from the collector of demand for payment of the said rate upon the amount for which he is taxable according to said roll, shall have in respect thereto the right of appeal provided in this Act in the case of assessments, but no such appeal shall relieve him from payment of any additional charge imposed for non-payment upon the date or dates fixed by the by-law of the said rate upon his taxable income as it may be fixed after such appeal.

Rev. Stat.,
c. 272,
s. 125,
amended.

9.—(1) Section 125 of *The Assessment Act* is amended by adding thereto the following subsection:

Application
for refund
of business
taxes.

- (5a) An application under clause *d* of subsection 1 may be made by any person in respect of taxes which have been paid in any municipality in which the assessment of business is made in the same year in which the rates of taxation thereon are levied, and upon any such application the court of revision, subject to the provisions of any by-law passed under subsection 6, may order the corporation to refund the whole or any portion of the taxes paid and the corporation shall refund the same accordingly.

Rev. Stat.,
c. 272,
s. 125,
subs. 6,
amended.

(2) Subsection 6 of the said section 125 is amended by inserting after the figure "5" in the third line the word and figure "or 5a", so that the said subsection shall now read as follows:

By-law
respecting
cancellations
and refunds,
etc.

- (6) The council may by by-law provide that the cancellation, reduction or ordering of refunds of taxes under clause *a*, *b* or *c* of subsection 1, or under subsection 5 or 5a, by the court of revision shall be subject to such restrictions and limitations, and be applicable only to such classes of properties as the by-law may set forth.

Rev. Stat.,
c. 272,
s. 128,
subs. 1,
amended.

10. Subsection 1 of section 128 of *The Assessment Act* is amended by striking out the words "the treasurer" in the first line and inserting in lieu thereof the words "a commissioner for taking affidavits, a notary public or a justice of the peace," so that the said subsection shall now read as follows:

- (1) Upon making oath before a commissioner for taking affidavits, a notary public or a justice of the peace that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover sufficient goods or chattels subject to distress under section 114, whereon he could levy the same or any part thereof, the collector shall be credited with the amount not realized.

When taxes not collected, collectors to be credited with amount.

11. Section 133 of *The Assessment Act* is amended by inserting after the word "land" in the fourth line the words "for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes," so that the said section shall now read as follows:

Rev. Stat., c. 272, s. 133, amended.

133. The county treasurer and the treasurer of any municipality whose officers have power to sell lands for arrears of taxes may from time to time receive part payment of taxes returned to him as in arrears upon any land for any year and shall credit such payment first on account of the interest and percentage charges, if any, added to such taxes; but no such payment shall be received after the land has been advertised for sale for arrears of taxes.

Receiving payments on account of arrears.

12. Section 156 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat., c. 272, s. 156, re-enacted.

- 156.—(1) The treasurer shall prepare a copy of the list of lands annexed to the warrant and shall add thereto in a separate column a statement of the proportion of costs chargeable on each lot for advertising and for his commission or other lawful charges, distinguishing therein any of such lands which are unpatented or under lease or license of occupation from the Crown as "unpatented" or "under Crown lease" or "under Crown license," as the case may be, and such list shall contain a notice that unless the arrears of taxes and costs are sooner paid, the treasurer will proceed to sell the lands on the day and at the place specified therein.
- (2) Such list shall be published in the *Ontario Gazette* once during the month immediately preceding the period of time mentioned in section 157.
- (3) A notice stating that copies of the list of lands for sale for arrears of taxes may be had in the office of the treasurer and that such list has been published in the *Ontario Gazette* on the day specified in such notice and that unless the arrears of taxes and costs

Treasurer to prepare list of lands to be sold.

Publication of list.

Publication of notice of sale.

are sooner paid the treasurer will proceed to sell the lands on the day and at the place named therein, shall be published once a week for the thirteen weeks immediately preceding the day of sale in at least one newspaper published in the county or in the case of a union of counties in at least one newspaper published in each county of the union, or where the sale is to be held by the treasurer of a municipality in at least one newspaper published in the municipality and if no newspaper is published in the county or municipality then in at least one newspaper published in an adjacent county or municipality.

Rev. Stat.,
c. 272,
s. 178,
subs. 2,
amended.

13. Subsection 2 of section 178 of *The Assessment Act* is amended by striking out the figure "2" in the sixteenth line and inserting in lieu thereof the figure "3," so that the said subsection shall now read as follows:

Notice to
incum-
brancer and
owner.

- (2) Subject to the provisions of subsections 2 and 3 of section 161, the treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying to the treasurer the amount of the purchase money together with ten per centum added thereto and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

Rev. Stat.,
c. 272,
Form 5,
par. 1,
amended.

1937, c. 8.

14. Paragraph 1 of Form 5 of *The Assessment Act* is amended by inserting after the word "assessed" in the fourth line the words "in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*" and by striking out the words "at its actual value" in the fifth line, so that the said paragraph shall now read as follows:

1. I have, according to the best of my information and belief, set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (as the case may be); and I have justly and truly assessed in accordance with *The Assessment Act* and *The Assessment Amendment Act, 1937*, each of the parcels of real property so set down and according to the best of my information and belief I have entered the names of all owners and tenants assessable in respect of each such parcel.

15. This Act shall come into force on the day upon which it receives the Royal Assent, and section 12 shall have effect as from the 1st day of January, 1939. Commence-
ment of Act.
Exception as
to s. 12.

16. This Act may be cited as *The Assessment Amendment Act, 1939.* Short title.

CHAPTER 4.

The Athletic Commission Act, 1939.

*Assented to April 14th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.

(a) "Commission" shall mean the Ontario Athletic Com-
mission; "Commis-
sion."

(b) "Person" shall include corporation, association, club
and any unincorporated organization; "Person."

(c) "Professional contest or exhibition" shall mean a
professional contest or exhibition of baseball, bicycle
riding, boxing, dancing, golf, hockey, jai-alai, lacrosse,
motor-cycle riding, physical prowess whether by
contortion or otherwise, rowing, rugby, running,
skating, whether speed skating or figure skating,
soccer, swimming, tennis or wrestling and a pro-
fessional contest or exhibition of any other sport or
game designated by the Lieutenant-Governor in
Council. "Profes-
sional
contest
or exhi-
bition."

2.—(1) There shall be established a commission to be
composed of five persons appointed by the Lieutenant-
Governor in Council who shall hold office during pleasure and
the commission shall be a body corporate under the name of
the "Ontario Athletic Commission." R.S.O. 1937, c. 298,
s. 2 (1), *amended*. Establish-
ment of
commission.

(2) Any member of the Legislative Assembly may be
appointed a member of the commission. Appoint-
ment of
members of
Assembly.

(3) The administration of this Act shall be under the direc-
tion and control of the Minister of Health. R.S.O. 1937,
c. 298, s. 2 (2, 3). Adminis-
tration
of Act.

3. The objects of the commission shall be to assist, promote
and encourage amateur sport and recreation in schools, com-
munity. Objects
of com-
mission.

munity centres and through associations of amateur sportsmen and to supervise professional contests and exhibitions. R.S.O. 1937, c. 298, s. 3, *amended*.

Quorum.

4. The majority of the members of the commission shall form a quorum. R.S.O. 1937, c. 298, s. 4.

Tenure of office.

5. The members of the commission shall hold office during pleasure, and upon a vacancy occurring owing to death, resignation or removal from office of a member, the Lieutenant-Governor in Council may appoint someone to take his place. R.S.O. 1937, c. 298, s. 5.

Chairman, vice-chairman, — appointment.

6.—(1) The Lieutenant-Governor in Council may appoint one of the members of the commission to be chairman and one of the members to be vice-chairman of the commission.

Absence of chairman and vice-chairman.

(2) In the absence of the chairman and vice-chairman, or in case of vacancies in the offices, the members of the commission may elect from amongst themselves an acting chairman, who shall hold office during such absence or vacancies, and while holding office shall have and possess the like powers and shall perform the like duties as the chairman. R.S.O. 1937, c. 298, s. 6, *amended*.

Commissioners to serve without pay.

Allowance for disbursements.

7.—(1) Each of the commissioners shall serve without remuneration, but shall be entitled to receive his travelling expenses and actual disbursements in transacting the business of the commission, and the Lieutenant-Governor in Council may fix a per diem allowance as a living allowance to the commissioners who are absent from home in the transaction of the business of the commission.

Payment of member of Assembly acting on commission.

Rev. Stat., c. 12.

(2) Notwithstanding anything in *The Legislative Assembly Act* the appointment of the chairman, vice-chairman or of any other member of the commission if a member of the Assembly shall not be avoided by reason of the payment to him, or the acceptance by him of any allowance, expenses or disbursements under this Act, nor shall he thereby vacate or forfeit his seat or incur any other penalties imposed by the said Act for sitting and voting as a member of the Assembly. R.S.O. 1937, c. 298, s. 7, *amended*.

Secretary and staff

8.—(1) The commission may appoint a secretary to the commission and such officers, clerks and servants as may be deemed requisite.

Payment of salaries, etc

(2) The salaries or other remuneration of the secretary and the other persons so appointed shall be fixed by the commission, subject to ratification by the Lieutenant-Governor in Council, and such salaries or other remuneration and the

expenses of the commission shall be payable out of the funds collected by the commission as hereinafter provided. R.S.O. 1937, c. 298, s. 8.

9.—(1) For the purpose of providing a fund for the payment of the expenses of the commission and the salaries and other expenses of its officers, clerks and servants, and the general expenses incurred in carrying out the provisions of this Act, every person conducting a professional contest or exhibition shall pay to the commission an amount,—

Tax on gate receipts for funds of commission.

(a) not exceeding two per centum in the case of any such contest or exhibition not being a boxing or wrestling contest or exhibition;

(b) not less than one per centum and not exceeding five per centum in the case of a boxing or wrestling contest or exhibition;

of the gross receipts in respect of such contest or exhibition as shall be determined by the commission with the approval of the Lieutenant-Governor in Council. R.S.O. 1937, c. 298, s. 9 (1), *amended*.

(2) Where a professional contest or exhibition is not the sole or main attraction offered at any presentation or exhibition for which admission is charged, the commission may accept such amount as in the circumstances it deems proper in lieu of the percentage of the gross receipts payable under subsection 1.

Where lesser sum payable.

(3) Every person conducting any professional contest or exhibition shall, within three days of the holding of such contest or exhibition, remit to the commission at its office at Toronto, by registered mail, the amount payable under the provisions of subsection 1. R.S.O. 1937, c. 298, s. 17, *amended*.

Payment of amount of gate receipt tax to commission.

(4) Every person who conducts or participates in conducting or holding any professional contest or exhibition and who fails to comply with the provisions of this section shall, in addition to the payment of the amounts provided in subsection 1, incur a penalty of not less than an amount equal to such amounts, recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 298, s. 15, *amended*.

Penalty.

Rev. Stat., c. 136.

10.—(1) The commission may, subject to the approval of the Lieutenant-Governor in Council, make regulations—

Regulations.

(a) prescribing the equipment to be used for and the rules applicable to the conduct of amateur and professional boxing and wrestling contests and exhibi-

tions including the appointment and duties of the officials of the contests and exhibitions, the definition of fouls and the manner of determining a winner;

- (b) providing for the issuing of licenses and permits for the holding of amateur and professional boxing and wrestling contests and exhibitions and for the suspension and cancellation of such licenses and the cancellation of such permits;
- (c) providing for the licensing of amateur and professional boxers and wrestlers, managers of professional boxers and wrestlers and referees, seconds and other officials officiating at amateur or professional boxing or wrestling contests or exhibitions and for the suspension and cancellation of such licenses;
- (d) providing for the payment of fees for licenses and permits and the manner of collecting such fees;
- (e) providing for payment to the commission of a fee or charge by way of a license fee or otherwise in respect of the holding of any amateur boxing or wrestling contest or exhibition and for the manner of collecting such fee or charge;
- (f) providing for the impounding of purses or other remuneration of professional boxers and wrestlers and for the levying of fines or other pecuniary penalties against persons who are the holders or who by these regulations are required to be the holders of other classes of licenses issued under this Act, for violations of the Act or regulations;
- (g) prescribing the forms of contracts to be used in connection with the services and management of professional boxers and wrestlers;
- (h) prescribing the duties and liabilities of persons holding contests and exhibitions of boxing and wrestling and the security to be furnished to ensure the performance of such duties and discharge of such liabilities;
- (i) regulating the holding and conduct of professional contests or exhibitions of dancing, swimming, rowing and tennis;
- (j) prescribing the rights, powers and duties which the commission and its officials shall have, exercise and

perform in connection with professional contests and exhibitions;

- (k) providing for the setting up of special committees of the commission and prescribing the powers and duties of such special committees;
- (l) defining "amateur" and "professional" for the purposes of this Act and the regulations; and
- (m) generally for the better carrying out of the provisions of this Act.

(2) Every person who conducts or participates in conducting or holding a boxing or wrestling contest or exhibition without having received any license required by the regulations, or who otherwise violates any provision of the regulations, shall incur a penalty of not less than \$20, nor more than \$1,000, recoverable under *The Summary Convictions Act*. Penalty.
Rev. Stat.,
c. 136.

11.—(1) Where it is charged that a boxing or wrestling contest or exhibition conducted under a license as hereinbefore provided or any agreement, contract or undertaking entered into with respect to such boxing or wrestling contest or exhibition is in violation of the regulations, or that any person connected with or participating in such boxing or wrestling contest or exhibition has been guilty of any such violation or of any unsportsmanlike or unbecoming conduct to the prejudice of the interest of legitimate boxing or wrestling, the commission may hold an investigation into such charges, and for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*. Inquiries re
professional
boxing and
wrestling.

Rev. Stat.,
c. 19.

(2) The commission may order that pending the disposition of the charges so made any moneys which under the terms of any contract or agreement may be payable to any employee of the person holding such boxing or wrestling contest or exhibition or to any boxer or wrestler shall be delivered to the commission and shall be impounded pending the result of the investigation, and if such charges are held by the commission to have been proven, the commission may declare the moneys impounded to be forfeited and such moneys shall thereupon become the property of the commission. R.S.O. 1937, c. 298, s. 13, *amended*. Impounding
and for-
feiture of
moneys by
commission.

12.—(1) Where the Ontario Branch of the Amateur Athletic Union of Canada, or any other branch of the Amateur Athletic Union of Canada or any league or body connected with amateur sport operating in Ontario, requests the com- Inquiries re
amateur
sports.

mission to cause investigation to be held into any matter which the branch, league or body considers should be investigated in the interest of amateur sport in the Province, the commission may hold such investigation or may refer the matter for investigation to a committee for investigation and report.

Who may
be appointed
to com-
mittee.

(2) The committee may consist of a member or members of the commission or such other persons as the commission may designate.

Appoint-
ments.

(3) The appointment of the committee shall be in writing signed by the chairman or vice-chairman of the commission.

Powers of
commission
or com-
mittee.
Rev. Stat.,
c. 19.

(4) The committee or commission for the purposes of such investigation shall possess all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act*. R.S.O. 1937, c. 298, s. 14 (1-4).

Fund for
maintenance
of commis-
sioners.

13.—(1) The moneys received by the commission under sections 9 and 11 together with all moneys received from license and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration, except the moneys mentioned in subsection 2, shall be set apart by the commission and shall constitute a fund for the payment of the salaries and expenses mentioned in subsection 1 of section 9, and any portion of such funds remaining unexpended and not required to meet such salaries and expenses may be used by the commission for the assistance, encouragement and promotion of sport and recreation in such manner as the commission may decide, provided that the commission may remit any fine or other pecuniary penalty or impounded purse or other remuneration or any part thereof where it deems it advisable to do so. R.S.O. 1937, c. 298, s. 9 (2), *amended*.

Fund for
amateur
boxing
and
wrestling.

(2) All moneys received as fees or charges, including license fees, in respect of the holding of amateur boxing and wrestling contests or exhibitions shall constitute a separate fund for the purposes of amateur boxing and wrestling and may be used for such purposes and in such manner as the commission may decide. *New*.

Quarterly
statement
of receipts
and ex-
penditures.

(3) The commission shall furnish to the Lieutenant-Governor in Council, quarterly on the last days of March, June, September and December, a statement showing the amounts received and expended by the commission in each quarter. R.S.O. 1937, c. 298, s. 9 (3), *amended*.

Use of
building
for con-
test or
exhibition
prohibited.

14.—(1) Where moneys payable to the commission under this Act or the regulations in respect of any professional contest or exhibition or any contest or exhibition of amateur boxing or

wrestling are not received by the commission within one week of the holding of such contest or exhibition, the commission may direct that the building or other place where such contest or exhibition was held shall not be used for the holding of any professional contest or exhibition or any contest or exhibition of amateur boxing or wrestling until such moneys have been paid to the commission.

(2) Where notice in writing of a direction made under sub-^{Penalty.} section 1 is served upon or sent by prepaid registered mail to the owner, lessee or other person having control over the building or other place, such owner, lessee or other person shall incur a penalty of not less than \$20 nor more than \$100 recoverable under *The Summary Convictions Act*, in respect of every professional contest or exhibition or contest or exhibition of amateur boxing or wrestling held in such building or at such place during the continuance in force of such direction.^{Rev. Stat., c. 136.}

15.—(1) The books and accounts of the commission shall be audited and checked from time to time by the Provincial Auditor or by such other auditor and at such times as the Lieutenant-Governor in Council may direct, and such auditor shall make an annual report and prepare and furnish such other statement to the Treasurer of Ontario as he shall direct or request.^{Audit.}

(2) There shall be laid before the Assembly at the opening of each session of the Legislature or so soon thereafter as it may be obtainable, a statement containing the report of the auditor for the preceding fiscal year and the receipts and expenditures of the commission and an account of the proceedings of the commission during such fiscal year and such further particulars as the Lieutenant-Governor in Council shall direct.^{Annual statement to Legislature.} R.S.O. 1937, c. 298, s. 16, *amended*.

16.—(1) A contract or agreement entered into for the management of any person taking part in professional boxing or wrestling contests or exhibitions, or for the taking part in any such contest or exhibition, shall not be valid or of any force or effect unless it is in writing signed by the parties thereto and approved of as being fair and reasonable by certificate of the commission under the hand of its chairman, vice-chairman and secretary. R.S.O. 1937, c. 298, s. 18 (1), *amended*.^{Approval of contracts for managing professionals.}

(2) Any contract or agreement which has been approved by the commission may be cancelled by resolution of the commission where in the opinion of the commission one or more of the parties thereto has done any act which is not in the best interests of the sport or game to which the contract relates and upon such cancellation the contract or agreement shall for all purposes be deemed null and void and of no effect.^{Cancellation of contract or agreement.}

Commission
to have full
jurisdiction.

(3) The decision of the commission as to granting or refusing a certificate of approval of a contract or agreement and as to cancelling a contract or agreement by resolution shall be final and conclusive and shall not be open to question in any action or other proceeding in a court of law or otherwise.

Commence-
ment of s. 9,
subs. 1.

17. Subsection 1 of section 9 shall have effect as from the 28th day of March, 1929.

Rev. Stat.,
c. 298,
repealed.

18. *The Athletic Commission Act* being chapter 298 of the Revised Statutes of Ontario, 1937, is repealed.

Short title.

19. This Act may be cited as *The Athletic Commission Act, 1939*.

CHAPTER 5.

An Act to amend The Cemetery Act.

*Assented to April 14th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Cemetery Act* is amended by striking out the words "chairman and secretary" in the second line, and inserting in lieu thereof the words "Minister or Deputy Minister," so that the said subsection shall now read as follows: Rev. Stat.,
c. 351, s. 5,
subs. 1,
amended.

(1) The approval of the Department of Health shall be by order in writing signed by the Minister or Deputy Minister, and shall contain a sufficient description of the cemetery proposed to be established or of the land which is to be annexed to the existing cemetery. Approval.

(2) The said section 5 is further amended by adding thereto the following subsection: Rev. Stat.,
c. 351, s. 5,
amended.

(3) The approval of the Department of Health may be revoked by an order in writing signed by the Minister or Deputy Minister, and thereafter the land mentioned in the order shall not be used for the interment of the dead until a further approval has been issued. Revocation
of approval.

2. This Act may be cited as *The Cemetery Amendment Act*, Short title.
1939.

CHAPTER 6.

An Act respecting the Changing of Names.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.

- (a) "Applicant" shall mean a person applying for a change of name under this Act; "Applicant."
- (b) "Application" shall mean an application for a change of name under this Act; "Applica-
tion."
- (c) "Change" shall mean any change by way of altera-
tion, substitution, addition or abandonment; "Change."
- (d) "Child" shall include a child adopted under the provisions of *The Adoption Act*; "Child."
Rev. Stat.,
c. 218.
- (e) "Given name" shall include Christian name and baptismal name; "Given
name."
- (f) "Name" shall include given name and surname; "Name."
- (g) "Registrar" shall mean Registrar of the Supreme Court of Ontario; and "Registrar."
- (h) "Surname" shall include family name and patronymic. "Surname."

2.—(1) Any person of the full age of twenty-one years, who is a British subject by birth or naturalization, except a married woman, may make an application for a change of name. Application
for change
of name, —

(2) If the applicant is a married man he shall also apply for a change of the names of his wife and of all of his or their unmarried infant children. by married
man;

(3) If the applicant is a widower or widow he or she shall also apply for a change of the names of all of his or her unmarried infant children. by widower
or widow.

Consent of
wife and
children.

(4) Where an application includes an application for a change of the name of the wife of the applicant or of any of his or their unmarried infant children of the age of fourteen years or over, the consent in writing of all of such persons shall be obtained and all of such children shall appear personally upon the hearing of the application, provided that where a wife has, in the opinion of the judge, been living apart from her husband for a period of five years immediately prior to the making of the application the judge may hear the application in her absence and without her consent in which case no change of her name shall be effected.

Application
to judge.

3. Every application shall be made to a judge of the county or district court of the county or district in which the applicant has resided for a period of one year immediately prior to the first publication of notice of the application and shall be heard at such time and place as the judge may appoint in writing.

Particulars
of applica-
tion.

4.—(1) Every application shall set forth,—

- (a) the address and date and place of birth of the applicant and of any other person whose name is affected by the application;
- (b) the name in full of his father, and where the applicant is a married man, the name in full of his wife's father;
- (c) the maiden name in full of his mother, and where the applicant is a married man, the maiden name in full of his wife's mother;
- (d) that he is a British subject by birth or naturalization as the case may be;
- (e) his occupation, profession or calling;
- (f) whether he has been convicted of a criminal offence and the particulars of any such offence;
- (g) the name proposed to be adopted;
- (h) a statement whether any change in name has been effected previously either under the provisions of this Act or under any right which existed at law prior to the coming into force of this Act or otherwise;
- (i) the names, ages and other similar particulars of all other persons whose names the applicant desires to have changed; and

- (j) a statement of the reasons for desiring such change of name.

(2) Every application shall be accompanied by an affidavit of the applicant deposing that he has resided in the county or district in which the application is made for a period of not less than one year immediately prior to the first publication of the notice of application that the statements contained in the application are true and that the application is made by the applicant in good faith and for no improper purpose.

Application to be accompanied by affidavit.

5.—(1) Every applicant shall publish in the *Ontario Gazette* and once in each week for three consecutive weeks in a newspaper having a general circulation in the locality in which he has resided for a period of one year immediately preceding the date of the first publication, a notice of application in which shall be stated the name and address and proposed name of every person whose name is sought to be changed by the application and the time and place of the hearing of such application.

Notice of application.

(2) No application shall be heard until the expiration of fourteen days after the date of the last publication of such notice.

Time of application.

(3) Copies of the appointment for hearing, the application and verifying affidavit and of all consents required under section 2, shall be served on the Attorney-General at least thirty days before the hearing of the application.

Notice to Attorney-General.

6. Every applicant shall file with the clerk of the court in which the application is made,—

Documents to be filed with clerk of the court.

- (a) the application, with affidavit referred to in subsection 2 of section 4, in duplicate;
- (b) all consents required under section 2;
- (c) an affidavit of the applicant proving publication of the notice of application;
- (d) the appointment for hearing;
- (e) if the applicant is a British subject by naturalization, a notarial copy of his naturalization certificate; and
- (f) proof of service upon the Attorney-General of copies of the appointment for hearing, the application with verifying affidavit, any consents required by section 2 and the naturalization certificate where the applicant is a British subject by naturalization.

7.—(1) At the time and place appointed by the judge for the hearing he may require the applicant and any person whose name the applicant seeks to change or any other person

Hearing application.

appearing on the hearing, to give evidence under oath and may examine or cross-examine any such person or permit such person to be examined or cross-examined.

Objections
may be
heard.

(2) Any person who desires to object to the change of name for which application is made and any person who desires to furnish the court with any information regarding the application or any circumstances connected therewith, may appear upon the hearing of the application and shall be heard.

Application
may be
refused.

(3) Where the judge is of opinion that the name which the applicant seeks to adopt is the same as the name of any other person or resembles the name of any other person to such an extent that the change applied for might reasonably cause mistake or confusion, or be a cause of embarrassment or inconvenience to such person, or that the change of name is sought for any improper purpose or is on any other ground objectionable or that the application should be refused for any other reason, he shall refuse the application.

Order
approving
of change.

8.—(1) Where the judge, upon consideration of the application, the affidavits filed and any other evidence adduced, is of opinion that the application should be granted, he may make an order approving of the change of name.

Scope of
order.

(2) An order made under this section may provide for such changes of names as the court may deem proper having regard to the nature of the application, the relationship and status of other persons mentioned in the application and all other relevant circumstances and every such order shall have effect according to the tenor thereof.

Certified
copy of
order to be
sent to
Registrar.

9.—(1) The clerk of the court shall enter the order in his office and shall send a certified copy of the order, together with a duplicate original of the application and of the verifying affidavit, to the Registrar at Toronto.

Entry and
index by
Registrar.

(2) The Registrar shall number and file each certified order and application received by him and shall keep an index book of such orders and applications which shall be in two parts as follows,—

- (a) the first part of the index shall record alphabetically the names, prior to a change being effected, of all persons whose names have been changed under this Act; and
- (b) the second part of the index shall record alphabetically the names, as changed, of all persons whose names have been changed under this Act.

(3) Notices of every such order shall be sent forthwith by the Registrar to the Registrar-General of Vital Statistics who shall, without charge, alter his records of vital statistics in conformity therewith, and to the Secretary of State for Canada.

Notice of entry to be sent to Secretary of State and Registrar-General.

10. Any person may, upon payment of the prescribed fee, obtain from the clerk of the court in which the order was made, or from the Registrar, a certificate of any order effecting a change of name, and such certificate shall for all purposes be conclusive evidence of its contents.

Certificates issued to applicant.

11. Without restricting the effect which a change of name may have at law, any person whose name has been changed under this Act shall, upon production of a certificate obtained under section 10 and upon satisfactory proof of identity, be entitled to have a memorandum of the change of name endorsed on any record, certificate, instrument, document, contract or writing, whether public or private, upon payment of such fee as may be prescribed therefor by or under any statute.

Substitution of new name in documents.

12.—(1) Any person who has reason to believe that any order effecting a change of name has been obtained by fraud or misrepresentation or for an improper purpose may apply to a judge of the county or district court in which such order was made for an annulment of the order.

Application for annulment.

(2) Every application for an annulment shall be accompanied by an affidavit of the person making the application in which his reasons for believing that such order was obtained by fraud or misrepresentation or for any improper purpose shall be set forth.

Affidavit giving reasons.

(3) The judge may refuse such application without hearing further representations or evidence or may direct that the person applying for the annulment and any other persons shall be heard at such time and place as the court may determine and that notice of the hearing shall be given to such persons and in such manner as the court may direct.

Hearing of application.

(4) If the judge is satisfied that the order was obtained by fraud or misrepresentation or for an improper purpose, he may order the annulment of the order in whole or in part.

Annulment of order.

(5) The clerk of the court shall endorse a memorandum of such annulling order upon the entry of the order annulled in whole or in part and shall send a certified copy of the annulling order to the Registrar.

Clerk to note annulment.

(6) The Registrar shall, upon receipt of a certified copy of an annulling order,—

Duties of Registrar on annulment.

(a) file and index it in accordance with the provisions of subsection 2 of section 9;

(b) endorse a memorandum thereof on the duplicate original of the order annulled in whole or in part;

- (c) indicate the filing thereof wherever the order annulled in whole or in part, is entered in the index; and
- (d) send notices thereof to the Registrar-General of Vital Statistics who shall, without charge, make such alterations in his records of vital statistics as are necessary by reason of the order, and to the Secretary of State for Canada.

Where
change
of name
annulled.

(7) Where a change of name has been annulled, the Registrar may by order require any person to whom a certificate has been issued under the provisions of section 10, to forthwith deliver up the certificate and any person who refuses or neglects to comply with such order shall be guilty of an offence and liable to a penalty not exceeding \$100 and in default of payment to imprisonment for a period not exceeding three months.

Fraud or
misrepresentation.
Penalty,—

(8) Any person who by fraud or misrepresentation obtains a change of name under the provisions of this Act shall be guilty of an offence and liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding six months.

recovery of.
Rev. Stat.,
c. 136.

(9) The penalties imposed by this section may be recovered in the manner provided by *The Summary Convictions Act*.

Compliance
with Act.

Rev. Stat.,
cc. 88, 218.

13.—(1) Except in the case of a change of name to that of her husband by a woman upon her marriage, and subject to section 27 of *The Vital Statistics Act* and section 6 of *The Adoption Act*, no person shall change or attempt to change his name except under the provisions of this Act.

Exception.

(2) Nothing herein contained shall be deemed to affect any change of name effected under any right which existed at law prior to the coming into force of this Act.

Regulations.

14. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing forms of applications, affidavits and certificates;
- (b) prescribing the fees payable upon any application and upon any certificate, search or other matter required or permitted to be given or done under this Act and to whom such fees shall be payable;
- (c) providing for the return of any fee upon an application or part of such fee where the application is refused; and
- (d) generally for the better carrying out of the provisions of this Act.

Short title.

15. This Act may be cited as *The Change of Name Act, 1939*.

CHAPTER 7.

An Act respecting Collection Agencies.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.

- (a) "Collection agency" shall mean every person other than a collector who carries on the business of collecting debts for other persons by taking assignments of debts, or otherwise, in consideration of the payment of a commission or other remuneration; "Collection agency."
- (b) "Collector" shall mean a person employed, appointed or authorized by any collection agency to solicit business or collect debts for such agency; "Collector."
- (c) "Commission" shall mean the Ontario Securities Commission; "Commission."
- (d) "Prescribed" shall mean prescribed by this Act or the regulations; "Pre-scribed."
- (e) "Regulations" shall mean regulations made under this Act; and "Regulations."
- (f) "Registrar" shall mean the person designated by the Commission to act as registrar for the purposes of this Act and the regulations. "Registrar."

2. The Commission shall administer this Act and the regulations and may designate a person to act as registrar. Commission to administer Act.

3. No person shall engage in the business of a collection agency or as a collector unless he is licensed under this Act. Agency and collector to be licensed.

Where Act
not to apply.

4. This Act shall not apply to,—

(a) any barrister or solicitor or his employee, in the regular practice of his profession;

Rev. Stat.
c. 256.

(b) any insurer, agent or broker or his employee, licensed under *The Insurance Act* to the extent of the business authorized by such license;

R.S.C.,
c. 11.

Rev. Stat.,
cc. 251, 100.

R.S.C.,
c. 213.

(c) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-Up Act* (Canada) or any person acting under the order of any court;

Rev. Stat.,
c. 247.

(d) any real estate broker or salesman registered under *The Real Estate Brokers Act* or any official or other employee of any such real estate broker to the extent of the business authorized by such registration;

Rev. Stat.,
c. 257.

(e) any bank to which the *Bank Act* (Canada) applies, or Province of Ontario savings office, or loan corporation or trust company registered under *The Loan and Trust Corporations Act*, or to employees thereof in the regular course of their employment; or

(f) any isolated collections made by a person whose usual business is not collecting debts for other persons.

Application
for license
as collection
agency.

5.—(1) Every application for a license as a collection agency shall be made to the registrar upon the forms provided by the registrar and shall be accompanied by,—

(a) the prescribed fee;

(b) copies of forms of agreement to be entered into with the collection agency by persons for whom the collection agency acts;

(c) copies of forms and letters which such collection agency uses or proposes to use in making demands for the collection of money; and

(d) a bond in the amount and form prescribed by the regulations.

Changes in
material
filed.

(2) In the event that any collection agency alters or changes any form of agreement or other form or letter such collection agency shall file the form or letter showing the alteration or change made therein with the registrar at least fourteen days before such form or letter is used.

6. Every application for a license as a collector shall be made to the registrar upon the form provided by the registrar, and shall be accompanied by the prescribed fee and such other information as the registrar may require. Application for license as collector.

7.—(1) The Commission, upon the recommendation of the registrar, may issue a license to any person for carrying on business as a collection agency or a collector and every license and renewal shall expire on the 31st day of March following the issue of the license or renewal. Licenses.

(2) Any license issued under this Act may be renewed from year to year provided application for renewal is made in the prescribed form not later than the 21st day of March prior to the expiration of such license or any renewal thereof, and every such application shall contain a statement of any change in the facts set out in the application for a license or any prior application for renewal. Renewal of license.

(3) The Commission may refuse to issue or renew a license and may suspend or cancel any license. License may be refused.

(4) The Treasurer of Ontario, upon the recommendation of the registrar, may refund to an applicant for a license or renewal any fee or part thereof paid by the applicant. Refunds.

(5) The registrar may reduce the amount of any fee payable for a license or renewal where any substantial part of the license period or renewal period has elapsed. Reductions.

8.—(1) Every collection agency shall within ten days notify the registrar in writing of,— Changes in information filed.

- (a) any change in its address for service;
- (b) any change in its officials or members; and
- (c) the commencement and termination of employment of every collector.

(2) Every collector shall within ten days, notify the registrar in writing of,— Notice as to employment.

- (a) any change in his address for service; and
- (b) the commencement and termination of his employment by a collection agency.

9. Every collection agency shall file with the registrar with every application for a renewal of a license, a certificate satisfactory to the Commission as to the financial condition of the collection agency, signed by the proprietor or an official or member of the collection agency and by an independent Financial statement to be filed.

accountant satisfactory to the Commission, and, in addition thereto, the Commission may at any time require a financial statement in any form to be furnished by the collection agency.

Bond.

10. Every collection agency shall furnish a bond in the amount and form prescribed by the regulations.

Forfeit
of bond.

11.—(1) Any bond given to the Commission by a collection agency shall be forfeit and the sum named therein shall become due and owing by the person bound thereby as a debt to His Majesty in right of Ontario when the collection agency in respect of which the bond is given or any collector or other official of the collection agency has in connection with its collection business been,—

- (a) convicted of any criminal offence;
- (b) convicted of an offence against any provision of this Act or the regulations; or
- (c) a party to civil proceedings in the courts as a result of which final judgment has been given against such collection agency, collector or other official for moneys collected for any other person.

Assignment
of bond or
payment of
moneys to
creditor.

(2) The Commission may assign any bond forfeited or may pay over any moneys recovered thereunder to any person entitled to any moneys from the collection agency, collector or official of the collection agency in accordance with and upon conditions set forth in the regulations or in any special order of the Lieutenant-Governor in Council.

Disposition
of fees.

12. The registrar shall cause all moneys, cheques, money orders and postal notes in respect of fees to be deposited daily with the Treasurer of Ontario and they shall form part of the Consolidated Revenue Fund.

Agency to
account
within
30 days.

13.—(1) Every collection agency shall without any notice or demand, within thirty days after the receipt of any moneys collected, account for all moneys so received and pay them, less the proper fees of such collection agency, to the person entitled thereto, provided that when the moneys collected are less than \$5 payment to the person entitled thereto shall be made within ninety days.

Agency on
demand to
account.

(2) Every collection agency shall upon demand made by any person entitled to an accounting, or by the Commission, account for all moneys received on behalf of such person and pay the moneys, less the proper fees of such collection agency, to such person.

(3) Where any collection agency is unable to locate the person entitled to any moneys collected by it within six months after such moneys have been collected, the collection agency shall cause such moneys to be paid to the Treasurer of Ontario and the Treasurer of Ontario may pay any such moneys to the person entitled thereto upon satisfactory proof being furnished by such person that he is the person entitled to receive such moneys.

Where person entitled to money cannot be located.

14. Every collection agency shall deposit all moneys collected, less the proper earned commission of the collection agency, in a separate trust account, in a chartered bank, a Province of Ontario savings office or a trust company authorized by law to accept deposits.

Moneys collected to be deposited.

15. Every collection agency shall keep proper records and books of account showing moneys received and moneys paid out and such books shall include a receipt book, cash book, clients' ledger and journal.

Books of account.

16. No collection agency or collector shall,—

Practices prohibited.

- (a) collect or attempt to collect any moneys in addition to the amount owing by the debtor;
- (b) make any charge against any person for whom it acts in addition to those contained in the form of agreement or in the information pertaining to fees filed with the Commission;
- (c) send any telegram for which the charges are payable by the addressee to a debtor for the purpose of demanding payment of any debt;
- (d) enter into any agreement with a person for whom the collection agency acts unless a copy of the form of such agreement is filed with the registrar; or
- (e) use any form or letter to collect or attempt to collect money from a debtor unless a copy of such form or form of letter is filed with the registrar.

17. Every collector shall immediately notify his employer when any moneys are collected by him in the course of his employment.

Notice as to moneys collected.

18. The registrar, or such other person as may be directed in writing by the Commission, shall have authority at any time between nine o'clock in the forenoon and five o'clock in the afternoon to enter the premises of any collection agency and examine the books and records of such collection agency.

Investigation by Commission.

License
to be
displayed.

19. Every collection agency shall keep its license and the last renewal thereof displayed in a conspicuous place at its office and shall keep every license for a branch office together with the last renewal thereof displayed in a conspicuous place at such branch office.

Regulations.

20. The Lieutenant-Governor in Council, upon the recommendation of the Commission, may make regulations,—

- (a) prescribing the form of licenses and renewals and applications therefor;
- (b) prohibiting the use of any particular method in the collection of debts;
- (c) requiring collection agencies to make returns and furnish information to the Commission;
- (d) prescribing the manner of making deposits and regulating the control and disposition thereof;
- (e) governing the keeping of records, books, accounting systems and audits;
- (f) prescribing the amount and form of bonds to be furnished by collection agencies; and
- (g) generally for the better carrying out of the provisions of this Act.

Penalty for
employing
unlicensed
agency.

21. Every person who knowingly employs a collection agency not having a license as required by this Act, or causes or procures letters or notices to be sent or verbal demands to be made upon debtors by a collection agency not having such a license, shall be guilty of an offence and liable to a penalty of not more than \$200.

Penalties.

22. Every collection agency or collector who violates any of the provisions of this Act or the regulations for which no other penalty is provided or who fails or neglects to carry out any order or direction of the Commission made under this Act shall be guilty of an offence and liable to a penalty of not more than \$200.

Consent
before
action.

23. No proceedings under this Act shall be instituted except with the consent or under the direction of the Commission.

Application
of Rev. Stat.,
c. 136.

24. The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*.

Fees.

25. The following fees shall be paid to the registrar:

- (a) For a license of a collection agency whose principal or head office is outside of Canada and for every renewal of such a license.....\$50.00
- (b) For a license of a collection agency whose principal or head office is in Canada..... 10.00
- (c) For a renewal of a license issued under clause *b* when the average monthly gross commissions for the six months prior to the application for such a renewal have been in excess of \$150 per month..... 25.00
- (d) For a renewal of a license granted under clause *b* when the average monthly gross commissions for the six months prior to the application for such a renewal have been \$150 or less per month..... 10.00
- (e) For a license as a collector and for every renewal of such a license..... 3.00
- (f) For a license of a branch office, including a license of a manager of such branch office, and for every renewal of such a license..... 5.00
- (g) Upon every notice of any alteration or change required to be filed with the registrar..... 1.00

26. *The Collection Agencies Act*, being chapter 249 of the Revised Statutes of Ontario, 1937, is repealed. Rev. Stat.,
c. 249,
repealed.

27. This Act may be cited as *The Collection Agencies Act*, Short title.
1939.

CHAPTER 8.

An Act to amend The Constables Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Constables Act* is amended by adding thereto the following section: Rev. Stat.,
c. 140,
amended.

1a. Notwithstanding any provision of any Act of this Legislature, every constable or other police officer heretofore or hereafter appointed under the provisions of this Act or of any other Act of this Legislature, shall have authority to act as a constable throughout Ontario to arrest any person who has committed or whom such constable suspects of having committed any offence within the municipality for which he is constable. Constables
empowered
to act
throughout
Ontario.

2.—(1) Subsection 1 of section 13 of *The Constables Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 140, s. 13,
subs. 1,
amended.

(1) The Commissioner of Police for Ontario shall have authority to inspect the offices of the high constables and constables appointed under this Act. Supervision
by Commis-
sioner of
Police.

(2) Subsection 2 of the said section 13 is repealed. Rev. Stat.,
c. 140, s. 13,
subs. 2,
repealed.

3. *The Constables Act* is amended by adding thereto the following section: Rev. Stat.,
c. 140,
amended.

13a.—(1) The Attorney-General may require the Commissioner of Police for Ontario or any other person, to investigate, inquire into and report to the Attorney-General upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality,— Investiga-
tion and
report by
Commis-
sioner of
Police.

- (a) at the request of the council of any municipality, in which case the municipality shall pay the cost of such investigation; or
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of
investigator

- (2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Report to
be communi-
cated to
council.

- (3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney-General to the council of such municipality.

"Constable,"
meaning
of.

- (4) In this section "constable" shall include a chief constable, police constable, county constable, high constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature.

Short title.

- 4. This Act may be cited as *The Constables Amendment Act, 1939*.

CHAPTER 9.

An Act to amend The Coroners Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Coroners Act* is amended by inserting after the word "coroner" in the second line the words "who shall be known and described as the supervising coroner" so that the said subsection shall now read as follows:

Rev. Stat.,
c. 138, s. 2,
subs. 2
amended.

- (2) The Lieutenant-Governor in Council may appoint a coroner, who shall be known and described as the supervising coroner, who shall have jurisdiction throughout the Province and shall act in an advisory capacity to coroners generally and shall have such powers and perform such duties with respect to the office of coroner throughout the Province as the Lieutenant-Governor in Council may prescribe.

Supervising
coroner,—
appointment
of.

2. *The Coroners Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 138,
amended.

- 7a.—(1) In the case of a death occurring in a provisional judicial district at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him.

Where death
occurs in
inaccessible
district.

- (2) Upon receiving the report referred to in subsection 1 the coroner shall determine whether or not an inquest is necessary and shall proceed in accordance with the other provisions of this Act.

Coroner
to decide
if inquest
necessary.

Rev. Stat.,
c. 138, s. 10,
subs. 1,
amended.

3. Subsection 1 of section 10 of *The Coroners Act* is amended by adding at the commencement thereof the words "Subject to the provisions of section 7a," so that the said subsection shall now read as follows:

Warrant
for burial
where
coroner
deems in-
quest un-
necessary.

- (1) Subject to the provisions of section 7a, if, after viewing the body and making such inquiry, the coroner deems an inquest unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a statutory declaration, setting forth briefly the result of such inquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

Rev. Stat.,
c. 88.

Rev. Stat.,
c. 138,
amended.

4. *The Coroners Act* is amended by adding thereto the following sections:

Where body
destroyed
or removed
from
Ontario.

- 10a. Where a coroner has reason to believe that a death has occurred either before or after the coming into force of this section, in or near the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that, owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Attorney-General and the Attorney-General may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the coroner making the report or such other coroner as the Attorney-General may direct, and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of a body lying within the coroner's jurisdiction.

Attorney-
General
may direct
coroner to
hold inquest.

- 10b. The Attorney-General may direct any coroner to conduct an inquest where he has reason to believe that a death has occurred in Ontario either before or after the coming into force of this section in such circumstances that an inquest ought to be held, and such coroner shall proceed to conduct an inquest into such death in accordance with the provisions of this Act whether or not his commission extends to the place where death occurred or where the body is located and whether or not he or any other coroner

has viewed the body, made any inquiry, held any inquest into or done any other act in connection with such death.

- 10c. No inquest shall be held unless the Attorney-General, the Crown attorney or the supervising coroner directs the holding thereof or consents thereto, or unless the holding of such inquest is required by a provision of this or any other Act of this Legislature or any Act of the Parliament of Canada.

- 10d.—(1) No inquest shall be held or continued touching a death in which any person has been charged with murder, manslaughter, infanticide or any criminal offence arising out of such death, except upon the direction of the Attorney-General.

- (2) If after an inquest has commenced any person is charged, as provided in subsection 1, the coroner shall discharge the jury and close the inquest, and shall then proceed in the same manner as if he deemed an inquest unnecessary under the provisions of section 10, provided that the Attorney-General may direct that the inquest be reopened.

5. Section 17 of *The Coroners Act* is amended by adding thereto the following words "provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage," so that the said section shall now read as follows:

17. Every person who attends an inquest on summons, or on the request of the Crown attorney, to give evidence or who gives evidence, shall be entitled to \$1 for every day of such attendance, and mileage, at the rate of fifteen cents per mile for each mile necessarily travelled from his last place of residence to the place where the inquest is held, one way, and the amount payable to witnesses shall be certified by the coroner, who shall make his order for the payment thereof, provided that where an inquest is held into the death of any person which appears to have been caused by the construction or operation of a railway, any person in the employ of such railway who attends such inquest to give evidence shall not be entitled to mileage.

6. *The Coroners' Act* is amended by adding thereto the following section:

Answer not
receivable
against
witness.

21a. A witness shall be deemed to have objected to answer any question upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown, or of any person, and the answer so given shall not be used or receivable in evidence against him in any trial or other proceeding against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Rev. Stat.,
c. 138, s. 22,
subs. 1,
re-enacted.

7. Subsection 1 of section 22 of *The Coroners Act* is repealed and the following substituted therefor:

Coroner's
jury.

(1) The number of jurymen to be summoned to serve on an inquest shall be five and where less than five of the jurymen so summoned appear at the time and place appointed for such inquest, the coroner may direct any constable to name and appoint so many persons then present or who can be found as will make up a jury of five.

Rev. Stat.,
c. 138, s. 24,
amended.

8. Section 24 of *The Coroners Act* is amended by adding at the end thereof the words "nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year," so that the said section shall now read as follows:

Qualifica-
tion of
jurors.

24. A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror, nor shall any person who has acted as a juror at an inquest act in a similar capacity within one year.

Rev. Stat.,
c. 138, s. 40,
amended.

9. Section 40 of *The Coroners Act* is amended by adding thereto the following subsection:

Transcrip-
tion of
evidence.

(4) It shall not be necessary to transcribe the evidence taken by a stenographer unless the Attorney-General or Crown attorney orders that it shall be done or unless any other person requests a copy of the transcript and pays to the stenographer the fees therefor.

Rev. Stat.,
c. 138, s. 45,
amended.

10. Section 45 of *The Coroners Act* is amended by inserting after the word "evidence" in the fourth line the words "where the Attorney-General or Crown attorney has ordered it to be transcribed," so that the said section shall now read as follows:

Return of
inquisition.

45. Every coroner shall forthwith, after an inquisition found by or before him, return the verdict or finding of the jury or of the coroner and every recognizance

taken before him, with the evidence, where the Attorney-General or Crown attorney has ordered it to be transcribed, and exhibits, to the Crown attorney.

11. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

12. This Act may be cited as *The Coroners Amendment Act*, ^{Short title.} 1939.

CHAPTER 10.

The Corporations Tax Act, 1939.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion.

- (a) "Bank" shall mean a corporation or joint stock com-pany wherever incorporated for the purpose of doing a banking business or the business of a savings bank which transacts such business in Ontario, whether the head office is situate in Ontario or elsewhere; "Bank."
- (b) "Commissioner of Income Tax" shall mean the officer appointed by the Governor in Council pursuant to the provisions of the *Department of Revenue Act* (Canada); "Commis-sioner of Income Tax." R.S.C., c. 137.
- (c) "Company" shall include bank, extra-provincial company, insurance company and incorporated company; "Company."
- (d) "Controller of Revenue" shall mean the Controller of Revenue for the Province of Ontario appointed by the Lieutenant-Governor in Council; "Controller of Revenue."
- (e) "Dividends" shall include stock dividends; "Divi-dends."
- (f) "Extra-provincial company" shall mean an incor-porated company which has its head office elsewhere than in Ontario; "Extra-provincial company."
- (g) "Head office" shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business; "Head office."
- (h) "Income bond" and "income debenture" shall mean respectively a bond and debenture, the interest or dividend on which is payable only when the debtor company has made a profit before taking into account "Income bond"; "income de-benture."

the interest or dividend obligation on such bond or debenture;

"Insurance company."

- (i) "Insurance company" shall include life, fire, ocean or inland marine, inland transportation, accident, plate-glass, automobile, steam boiler and burglary insurance companies, guaranty, surety and casualty companies and underwriters and syndicates of underwriters operating on the plan known as Lloyds, which transact business or undertake risks on lives or property in Ontario or are licensed under *The Insurance Act*, but shall not include mutual insurance companies, insuring agricultural and other non-hazardous risks on the premium note plan, whose sole business is carried on in Ontario;

Rev. Stat.,
c. 256.

"Incorporated company."

- (j) "Incorporated company" shall include corporation and association however and wherever incorporated and where any such corporation or association, or the whole or any part of the property thereof, is placed in the hands or under the control of an agent, assignee, trustee, liquidator, receiver or other official shall include such agent, assignee, trustee, liquidator, receiver or other official but shall not include any incorporated company owning, operating or using a race track and holding a race meeting;

"Minister."

- (k) "Minister" shall mean the Minister of National Revenue appointed under the provisions of the *Department of National Revenue Act* (Canada);

R.S.C.,
c. 137.

"Property."

- (l) "Property" shall include money, goods, things in action, land and property of every description, whether real or personal, legal or equitable, and every interest or profit, present or future, vested or contingent in, arising out of or incident to property;

"Railway."

- (m) "Railway" shall include a railway and part of a railway in Ontario operated in whole or in part by steam, electricity or other motive power, constructed and operated on highways or on land owned by the company owning or operating it, or partly on highways and partly on such land, but shall not include a street railway constructed or operated in whole or in part upon or along a highway under or by virtue of an agreement with, or by-law of a city or town;

"Regulations."

- (n) "Regulations" shall mean regulations made under the authority of this Act;

"Transacting business in Ontario."

- (o) "Transacting business in Ontario" shall include the transaction of any business obtained in Ontario by a company through its own office or branch in Ontario

and shall also include the transaction of any business obtained by an extra-provincial company through the efforts of any other company or any firm, broker, agent or other person which has an office in or is a resident of Ontario when such company, firm, broker, agent or other person acts as the representative or agent of, or in any other capacity for such extra-provincial company, but shall not include the taking of orders for or the buying or selling of goods, wares or merchandise by travellers or by correspondence if no business is obtained through the efforts of any company, firm, broker, agent or other person which has an office in or is a resident of Ontario;

(p) "Treasurer" shall mean the Treasurer of Ontario. "Treasurer."

2.—(1) Every company having its head office or other office in Ontario, or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay to His Majesty for the uses of Ontario the taxes imposed by this Act at the time and in the manner hereinafter provided. Taxes payable.

(2) For the purposes of this Act the Treasurer may determine the period of any fiscal year of any company in order to prevent any fiscal year from occupying a longer period than twelve months, provided that for every fiscal year of less than twelve months there may subsequently be a fiscal year of more than twelve months if the total period of both of such fiscal years does not exceed twenty-four months nor shall it be necessary that any fiscal year of a company shall occupy any substantial part of a year. Fiscal year.

(3) Subject to the provisions of subsection 2, where a company ceases to have an office or to hold assets or to transact business in Ontario or the existence of which is terminated during any fiscal year, such company shall, in respect of such incompleting fiscal year, pay the taxes imposed by this Act in the same manner as though such fiscal year ended upon the date upon which it ceased to have an office or to hold assets or to transact business in Ontario or upon which its existence was terminated. Incompleting fiscal year.

3.—(1) Every bank shall for every fiscal year of such bank pay,— Banks.

- (a) a tax of one-fifth of one per centum on the paid-up capital stock thereof and one-tenth of one per centum on the reserve fund and undivided profits thereof; On paid-up capital.
- (b) an additional tax of \$3,000 for the principal office in Ontario and \$200 for each additional office, branch On office.

or agency in Ontario, provided that in the case of such additional offices, branches and agencies which were open during the fiscal year less than 250 days, one tax of \$200 shall apply for each 250 days or fraction thereof that all such offices, branches and agencies were open.

Reduction
in certain
cases.

(2) Where the head office of a bank is out of Ontario, and where it has not more than five offices, branches and agencies within Ontario, the Treasurer, having regard to the amount of business transacted in Ontario, may reduce the amount of the tax imposed by clause *a* of subsection 1, but such tax shall in no case be less than one-tenth of one per centum calculated upon one-half of the paid-up capital stock.

Life insur-
ance
companies.

4.—(1) Every insurance company shall pay a tax in respect of life insurance premiums of one and three-quarters per centum calculated upon the gross premiums received during the fiscal year from policy holders resident in Ontario at the time such premiums were paid excluding,—

- (a) considerations for annuities;
- (b) cash value of dividends paid or credited to policy holders;
- (c) premiums returned;
- (d) premiums received in respect of reinsurance assumed; and
- (e) premiums paid in respect of casualty reinsurance ceded to insurance companies licensed to transact business in Ontario.

Fire and
casualty
insurance
companies.

(2) Every insurance company shall pay a tax,—

- (a) in respect of fire insurance premiums of one and two-thirds per centum; and
- (b) in respect of premiums other than life or fire insurance premiums of two per centum,

calculated upon the gross premiums received during the fiscal year by the company or its agent or agents in respect of business transacted in Ontario excluding,—

- (i) premiums returned;
- (ii) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario;

- (iii) premiums received in respect of business written on the premium note plan; and
- (iv) cash value of dividends paid or credited to policy holders by mutual insurance companies.

(3) In determining the amount of the tax payable under subsection 2 every premium which is, by the terms of the policy or renewal thereof, payable in respect of insurance of a person, or property resident or situate in Ontario at the time of payment whether or not,

Definition of premiums in respect of business transacted in Ontario.

- (a) such premium is earned wholly or partly within Ontario;
- (b) the business in respect of the policy is transacted wholly or partly within Ontario; or
- (c) the payment of such premium is made, wholly or partly within Ontario,

shall be deemed to be a premium in respect of business transacted in Ontario.

(4) Where it is established to the satisfaction of the Lieutenant-Governor in Council that any country or any state of any country discriminates unfairly by imposing taxes, fees and other monetary obligations upon any insurance company or any particular class of insurance companies organized under the laws of Canada or of Ontario and having their principal offices in Ontario, which in the aggregate are in excess of comparable taxes, fees and monetary obligations imposed upon any similar company or class of companies incorporated under the laws of such country or state, the Lieutenant-Governor in Council may direct that any company or any class of companies incorporated under the laws of such country or state and which transact business in Ontario shall pay, in addition to the tax otherwise imposed by this Act, a tax not exceeding the equivalent of such excess, and such additional tax shall be recoverable in the same manner as any other tax imposed by this Act.

Unfair discrimination.

(5) For the purposes of this Act the fiscal year of every insurance company shall be deemed to end on the 31st day of December.

Fiscal year.

Railway
mileage.

5.—(1) Every incorporated company owning, operating or using a railway shall for every fiscal year of such company pay a tax of \$60 per mile for one track, and, where the line consists of two or more tracks, of \$40 per mile for each additional track, owned, operated or used in any organized municipality in Ontario, and of \$40 per mile for one track, and, where the line consists of two or more tracks, of \$20 per mile for each additional track, in territory without municipal organization in Ontario, provided that an incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system does not exceed one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall, in lieu of such tax, pay a tax of \$15 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario, and, where the railway or system does not exceed thirty miles in length between such termini, a tax of \$10 per mile for one track in Ontario and where the line consists of two or more tracks, of \$5 per mile for each additional track in Ontario.

Additional
tax.

(2) In addition to the tax imposed by subsection 1, every incorporated company owning, operating or using a railway which, either by itself or in conjunction with any other railway leased by it or to which it is leased or with which it is amalgamated or together with which it forms one system, exceeds one hundred and fifty miles in length from terminus to terminus, whether or not one or both of such termini are outside Ontario, shall for every fiscal year of such company pay a tax of \$25 per mile for one track in Ontario, and, where the line consists of two or more tracks, of \$20 per mile for each additional track in Ontario.

Company
owning and
company
operating
liable.

(3) Both the incorporated company owning the railway and the incorporated company operating or using it shall jointly and severally be liable for the payment to the Treasurer of the amount of the taxes imposed by this section, but the total amount payable in respect of any railway shall not exceed the amounts above respectively mentioned, notwithstanding that the railway is owned, operated or used by more than one incorporated company.

Exception.

(4) The measurement of track for purposes of this section shall not include switches, spurs or sidings.

S. 44 not
to apply.

(5) Section 44 shall not apply to the tax imposed by subsection 2.

(6) Where an incorporated company owning, operating or using a railway, owns or controls other incorporated companies which are not taxable under the provisions of this section, such other incorporated companies shall be taxable under the provisions of such other sections of this Act as are applicable, without having regard to the taxes payable by their parent company under the provisions of this section.

Subsidiary
companies.

6. Every incorporated company owning, operating or using a line or part of a line of telegraph within Ontario for gain, including every incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of one per centum upon the total amount of money invested by the incorporated company on such line or part thereof and the works and plant connected therewith; provided that an incorporated company owning and an incorporated company operating and using any such line or part thereof shall jointly and severally be liable for the payment of the said tax, but the total amount payable in respect of such line or part thereof and the works and plant connected therewith shall not exceed the total amount of tax imposed by this section notwithstanding that the line or part thereof is owned, operated or used by more than one company.

Telegraph
companies.

On amount
invested.

7. Every incorporated company owning, operating or using a telephone line or part thereof in Ontario for gain and having a paid-up capital as defined by subsection 2 of section 10 of \$100,000 or over shall for every fiscal year of such company pay a tax of three-eighths of one per centum calculated upon the paid-up capital stock thereof.

Telephone
companies.

8. Every incorporated company carrying on the business of an express company over a railway in Ontario, including an incorporated company owning, operating or using a railway, shall for every fiscal year of such company pay a tax of \$800 for each one hundred miles or fraction thereof but in no case of more than \$10,000.

Express
companies.

9. Every incorporated company except any incorporated company owning, operating or using a railway, transacting in Ontario the business of operating, leasing or hiring sleeping, parlour or dining cars run upon or used by any railway within Ontario, shall for every fiscal year of such company pay a tax of one per centum calculated upon the money invested in such cars in use in Ontario.

Car
companies.

10.—(1) Save as in this section otherwise provided every incorporated company having its head or other office in Ontario

Other incor-
porated
companies.

Tax on
capital.

or which holds assets in Ontario or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon the paid-up capital thereof.

"Paid-up
capital,"—
meaning of.

(2) In this section and in section 12 "paid-up capital" shall mean the paid-up capital as it stood at the close of the fiscal year and shall include the paid-up capital stock of the incorporated company, its earned, capital and any other surplus, all its reserves, whether created from revenue or otherwise, except any reserve the creation of which is allowed as a charge against income under the provisions of section 14, all sums or credits advanced or loaned to the incorporated company by any other incorporated company, not including any bank, and all indebtedness of the incorporated company, whether assumed or undertaken by the incorporated company, represented by bonds, bond mortgages, debentures, income bonds, income debentures, mortgages, lien notes and any other securities to which the property of the incorporated company or any of it is subject.

Exceptions.

(3) The following incorporated companies shall not be subject to the tax imposed by subsection 1:

Bank.

(a) Any bank;

Insurance
company.

(b) Any insurance company;

Railway.

(c) Any incorporated company owning, operating or using a railway except as provided by section 11;

Telegraph
company.

(d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario;

Telephone
company.

(e) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario;

Express
company.

(f) Any incorporated company carrying on the business of an express company over a railway in Ontario;

Car
company.

(g) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario;

Companies
with busi-
ness and
assets
abroad.

(h) Any incorporated company whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be

held in Ontario, are situated entirely outside of Ontario, including wholly-owned subsidiary companies which are solely engaged in the prosecution of the business outside of the province of Ontario of the parent incorporated company;

- (i) Any incorporated company whose business operations Idem. are of an investment or financial nature and carried on entirely outside of Ontario and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other incorporated companies conforming to the requirements of this clause or of clause *h*, are situated entirely outside of Ontario, provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada or of the Province of Ontario, with head office in Ontario, shall for the purposes of this clause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;
- (j) Any incorporated company which maintains a head office or executive office or both in Ontario but the assets of which consist wholly of the shares and bonds of, and loans and advances to other incorporated companies and of bank deposits; Companies whose assets consist of shares, bonds, etc., of other companies.
- (k) Any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee, and none of whose property is used either by the incorporated company or the liquidator, receiver or trustee in transacting any of the businesses or undertakings for which the company was incorporated; Companies in receivership, etc.
- (l) Any incorporated company which, in the opinion of the Treasurer, has not commenced to transact business or which, in the opinion of the Treasurer, has ceased to transact business; Non-operating companies.
- (m) Any incorporated company which was incorporated without share capital; Companies without share capital.
- (n) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purposes of drainage, agriculture or colonization in Ontario and no part Religious, social and educational companies.

of the income of which inures to the personal profit of or is paid or payable to any shareholder therein:

Community
clubs.

- (o) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;

Co-operative
companies

- (p) Any incorporated company which is organized and operated on a co-operative basis and which,—

(i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or

(ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost plus a reasonable amount for expenses and reserves; or

(iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or

(iv) is a credit union;

Companies
which finance
co-operative
companies.

- (q) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is exempt from taxation under the provisions of clause *p*;

Transporta-
tion com-
panies.

- (r) Any incorporated company transacting the business of transporting passengers or freight, or both, whose head office and entire transportation system is situated outside of Ontario and which, in the opinion of the Treasurer, maintains an office in Ontario only for the purpose of soliciting business for its system outside of Ontario and which, in the opinion of the Treasurer, does not sell transportation at its office situated in Ontario; provided that where any such

incorporated company does sell transportation at its office situated in Ontario, it shall pay a tax of \$50.

(4) Paid-up capital as hereinbefore defined shall be subject to the following exemptions and deductions: Exemptions and deductions.

(a) Goodwill or other intangible thing included as an asset to the extent that such goodwill or other intangible thing, in the opinion of the Treasurer, has no value; provided that this exemption shall apply to no more than fifty per centum of the book value of such goodwill or other intangible thing; Goodwill.

(b) Discount allowed on the sale of the shares of a company incorporated under Part XI of *The Companies Act*; Discount on shares.
Rev. Stat., c. 251.

(c) The amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a* and *b*, which the cost of the investments made by the incorporated company in the shares and bonds of other incorporated companies, in loans and advances to other incorporated companies and in the bonds, debentures and other securities of any government, municipal or school corporation bears to the total assets of the incorporated company remaining after the deduction of the exemptions provided by clauses *a* and *b*; provided that cash on deposit with any incorporated company doing the business of a savings bank and amounts due by a parent company with head office outside of Canada to a subsidiary company taxable by this section shall not be deemed to be loans and advances to other incorporated companies; Investments.

(d) In the case of an incorporated company engaged in mining which has not reached the production stage or the profits of which are insufficient to be assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act*, the amount invested in the plant and works necessary to and forming part of such mine and the amount invested in the plant and works necessary for the refinement of the ore taken from the mine Capital held in mine and mill.
Rev. Stat., c. 28.

bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*;

Capital held
in mine sub-
ject to
mining tax.

Rev. Stat.,
c. 28.

- (*e*) In the case of an incorporated company engaged in mining the profits of which are assessed for a tax under *The Mining Tax Act*, the amount which equals that proportion of the paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* which the total of the amount held or used in the survey for exploration and development of gold, silver, copper, nickel, iron or other precious or semi-precious metals, the amount invested in the mine as defined by *The Mining Tax Act* and the amount invested in the plant and works necessary to and forming part of such mine bears to the total assets remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; provided that where the exemption provided by this clause applies, the exemption provided by clause *d* shall not apply;

Real estate
companies.

- (*f*) In the case of any incorporated company whose only business is the holding of real estate for sale or rent or the owning of buildings used as hotels, apartment houses and for offices, or both, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from the operation of such business after depreciation but before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that where the exemption under this clause applies, none of the exemptions under clauses *a* to *e* shall apply;

Companies
in receiver-
ship, etc.

- (*g*) In the case of any incorporated company all of whose property is in the hands or subject to the control of a liquidator, receiver or trustee and whose property or any of it is used either by the company or the liquidator, receiver or trustee in carrying on any of the businesses or undertakings for which the company was incorporated, the amount which equals that portion of the paid-up capital which is in excess of an amount of capital of which the net income earned from carrying on any of such businesses or undertakings after depreciation but before deduction of interest and dividends on any of the obligations of the incorporated company which are included as its paid-up capital, would be eight per centum; provided that where the exemption under this clause

applies, none of the exemptions under clauses *a* to *f* shall apply.

(5) An incorporated company shall be entitled to deduct from the tax calculated upon paid-up capital which would otherwise be payable under this section the amount of the tax calculated upon paid-up capital which was paid or payable during the fiscal year for which the tax under this section is imposed to the government of any province, state or country outside of Ontario, with the exception of any tax paid or payable to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of paid-up capital deemed to be used within each such province, state or country and provided that the paid-up capital deemed to be used within each such province, state or country shall be determined as follows:

Deductions
from the
tax on
capital.

- (a) In the case of an incorporated company the business of which is that of ship transportation, the amount of the paid-up capital which shall be deemed to have been used within each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of the tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total of the amount of tonnage of its ships which operated during such fiscal year multiplied by the number of times each such ship called at any port during such fiscal year and the tonnage of its ships which did not operate during such fiscal year;
- (b) In the case of an incorporated company the business of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4, which the number of miles travelled by its buses, trucks or aircraft during the

Ship trans-
portation
companies.

Transporta-
tion com-
panies.

fiscal year of such company in each such province, state or country bears to the total number of miles travelled by its buses, trucks, or aircraft during such fiscal year;

Real estate,
grain and
mining com-
panies.

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c*; *d* or *e*; *f* or *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Other
companies.

- (d) In the case of every other incorporated company, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b* and *c* of subsection 4 which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation.

Evidence
necessary.

- (6) Any deduction provided by subsection 5 shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer showing the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of paid-up capital.

Railway
companies
tax on
capital.

11. In addition to the tax imposed by section 5, every incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall for every fiscal year of such company pay a tax of one-twentieth of one per centum calculated upon that amount of capital of which the net income earned from the operation of such hotel or hotels, after depreciation but before deduction

of interest or dividends on any of the obligations of the incorporated company paid or payable with respect to any capital invested in such hotel or hotels, would be eight per centum.

12.—(1) Save as in this section otherwise provided, every incorporated company having its head or other office in Ontario or which transacts business in Ontario shall for every fiscal year of such company pay a tax of \$50 for each office or place of business in Ontario, and every incorporated company which holds assets in Ontario but has no designated office or place of business, shall for every fiscal year of such company, in addition to all other taxes for which it may be liable, pay a tax of \$50. Tax on offices.

(2) In this section "office or place of business" shall mean,— "Office or place of business," defined.

- (a) The head office of an incorporated company except where such office not being the only office of such company, is maintained merely as a nominal head office, provided that the incorporated company transacts no business at such nominal head office;
- (b) The executive office of an incorporated company;
- (c) A building or part of a building or any property where an incorporated company carries on any of its operations;
- (d) A building, office, room or location where an incorporated company invites patronage either through its name being placed in public view on the property, or through a listing of its name in a telephone or other directory giving its address at a certain location, or through an advertisement in the press giving the name of the incorporated company and its address at a certain location;
- (e) The office or room of any company, firm, broker, agent or other person acting as the representative or agent of or in any other capacity for an incorporated company;
- (f) A permanent sample depot, where a representative of an incorporated company may display examples of its products which are for sale;
- (g) A depot where a representative of an incorporated company may buy materials for the use of such company; and
- (h) A depot for the distribution of goods.

Acting for more than one company.

(3) Where a company, firm, broker, agent or other person is acting as the agent or representative of or in any other capacity for more than one incorporated company, each of such incorporated companies shall be deemed to be maintaining an office or place of business in the office or place of business of such company, firm, broker, agent or other person.

Exceptions.

(4) Offices or places of business defined by clauses *c*, *d*, *e*, *f*, *g* and *h* of subsection 2 shall be deemed separate offices and places of business only in such cases where each of them is located apart from the head office or executive office of the incorporated company.

Where no tax payable.

(5) The following incorporated companies shall not be subject to any tax imposed by this section:

- (a) Any bank;
- (b) Any insurance company;
- (c) Any incorporated company owning, operating or using a railway except as provided by section 13;
- (d) Any incorporated company owning, operating or using a line or part of a line of telegraph within Ontario;
- (e) Any incorporated company transacting the business of an express company over a railway in Ontario;
- (f) Any incorporated company operating, leasing or hiring sleeping, parlour or dining cars run or used in Ontario;
- (g) Any incorporated company which was incorporated without share capital; and
- (h) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario and having a paid-up capital of \$100,000 or over.

Reduction in tax.

(6) Any incorporated company having a paid-up capital of less than \$100,000 shall, for every fiscal year of such company in lieu of the tax imposed by subsection 1, pay a tax of one-twentieth of one per centum, calculated on the paid-up capital, for each office or place of business in Ontario provided that in no case shall the combined taxes imposed in sections 10 and 12 be less than \$20.

Tax payable by certain companies.

(7) Each of the following incorporated companies shall for every fiscal year of such company in lieu of the tax imposed in subsections 1 and 6, pay a tax of \$20:

- (a) Any incorporated company engaged in mining which has not during its fiscal year developed its properties by any surface trenching, stripping, blasting of outcrops, diamond drilling or similar work or underground development work, and which does not hold as assets investments in the shares, bonds, and obligations of other incorporated companies and governments, municipal and school corporations having a cost value of more than \$40,000;
- (b) Any incorporated company, whose charter has not been surrendered and whose nominal head office is designated as being in Ontario and which, in the opinion of the Treasurer, has not commenced to do business or has ceased to do business and is entirely without assets.

(8) Each of the following incorporated companies shall for ^{Idem.} every fiscal year of such company, in lieu of the tax imposed by subsections 1, 6 and 7, pay a tax of,—

\$ 5 where the paid-up capital is less than \$20,000;

\$10 where the paid-up capital is \$20,000 or over and less than \$40,000;

\$15 where the paid-up capital is \$40,000 or over and less than \$60,000;

\$25 where the paid-up capital is \$60,000 or over and less than \$80,000;

\$50 where the paid-up capital is \$80,000 or more,—

- (a) Any incorporated company which was incorporated for religious, charitable, philanthropic, social or educational purposes or for the purpose of drainage, agriculture or colonization in Ontario and no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (b) Any incorporated company which was incorporated to operate clubs, societies and associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which inures to the personal profit of or is paid or payable to any shareholder therein;
- (c) Any incorporated company which is organized and operated on a co-operative basis and which—

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or
- (iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof, provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or
- (iv) is a credit union;

- (d) Any incorporated company owning, operating or using a telephone line or part thereof in Ontario having a paid-up capital of less than \$100,000.

Hotels
operated by
railway.

13. In addition to the taxes imposed by sections 5 and 11, every incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario, shall for every fiscal year of such company pay a tax of \$50 for each hotel owned, operated or used in Ontario.

Tax on net
income.

14.—(1) In addition to the taxes imposed in sections 10 and 12, and save as in this section otherwise provided, every incorporated company which has its head or other office in Ontario, or which holds assets in Ontario, or which transacts business in Ontario, shall for every fiscal year of such company pay a tax of two per centum calculated upon the net income of the incorporated company.

"Income"
defined.

(2) In this section "income" shall refer to the income earned during the fiscal year of every incorporated company and shall mean the net profit or gain, whether ascertained as being a fixed amount, or unascertained as being fees or emoluments, or as being profits from a trade or commercial or financial or other business, directly or indirectly received by an incorporated company from any trade, manufacture or business, as the case may be, whether derived from sources within Ontario or elsewhere; and shall include the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security, or from

stocks, or from any other investment, and, whether such gains or profits are divided or distributed or not, and also the annual profit or gain from any other source including,—

- (a) the income from but not the value of property acquired by gift, bequest, devise or descent;
- (b) the income from but not the proceeds of life insurance policies paid upon the death of the person insured, or payments made or credited to the insured on life insurance endowment or annuity contracts upon the maturity of the term mentioned in the contract or upon surrender of the contract;
- (c) personal and living expenses which form part of the profit, gain or remuneration of the incorporated company;
- (d) rents, royalties, annuities or other like periodical receipts which depend upon the production or use of any real or personal property, notwithstanding that they are payable on account of the use or sale of any such property; and
- (e) annuities or annual payments received under the provisions of any will or trust irrespective of the date on which such will or trust became effective whether or not the annuities or annual payments are paid in whole or in part out of capital funds of the estate or trust and whether or not they are received at intervals separated by periods of a year or by longer or shorter periods.

(3) The following incorporated companies shall not be liable to the tax imposed by this section:

- (a) Any incorporated company which was incorporated for religious, charitable, agricultural or educational purposes and no part of the income of which is paid or payable to or inures to the personal profit of any shareholder thereof; Companies not liable to tax on net income.
Charitable companies.
- (b) Any incorporated company which was incorporated without share capital; Companies without share capital.
- (c) Any incorporated company which was incorporated to operate clubs, societies or associations for social welfare, civic improvement, pleasure, recreation or other non-profitable purposes, no part of the income of which is paid or payable to or inures to the benefit of any shareholder thereof; Companies operating social clubs.

Business
and assets
situated
abroad.

(d) Any incorporated company,—

- (i) whose business operations are of an industrial, mining, commercial, public utility or public service nature, and are carried on entirely outside of Ontario, either directly or through subsidiary or affiliated companies, and whose assets, except securities acquired by the investment of accumulated income and such bank deposits as may be held in Ontario, are situated entirely outside of Ontario, including wholly owned subsidiary companies which are solely engaged in the prosecution of the business outside of Ontario of the parent incorporated company; or
- (ii) whose business operations are of an investment or financial nature and carried on entirely outside of Ontario, and whose shares have been offered for public subscription or are listed on any recognized stock exchange in Ontario or elsewhere, and whose assets, except such bank deposits as may be held in Ontario and except shares of other companies conforming to the requirements of this subclause or of subclause i, are situated entirely outside of Ontario; provided that the shares, bonds and obligations of any company incorporated under the laws of the Dominion of Canada with statutory head office in Ontario or under the laws of Ontario shall for the purposes of this subclause be deemed to be assets within Ontario notwithstanding that they may be or have been transferred on any register outside of Ontario;

Co-operative
companies.

(e) Any incorporated company which is organized and operated on a co-operative basis and which,—

- (i) markets the products of the members or shareholders thereof under the obligation to pay to them the proceeds from the sales on the basis of quantity and quality, less a reasonable amount for expenses and reserves; or
- (ii) purchases supplies and equipment for the use of such members or shareholders under the obligation to turn such supplies and equipment over to them at cost, plus a reasonable amount for expenses and reserves; or

(iii) markets the products of, or purchases supplies and equipment for the use of non-members or non-shareholders thereof provided that the value thereof does not exceed twenty per centum of the value of products, supplies and equipment marketed or purchased for the members or shareholders; or

(iv) is a credit union;

(f) Any incorporated company which is organized for the purpose of financing the operations of and is owned or controlled by any other incorporated company which is not liable to taxation under the provisions of clause *e*;

Companies financing co-operative companies.

(g) Any incorporated company engaged in the business of transporting passengers or freight or both whose head office and entire transportation system is situated outside of Ontario;

Transportation companies operating outside of Ontario.

(h) Any incorporated company paying taxes under this Act as a bank, insurance company, railway company, express company, telegraph company, telephone company or car company; provided that an incorporated company operating a railway and deriving income from the operation of an hotel or hotels shall be taxable as provided by section 15; and

Banks, insurance companies, railways, etc.

(i) Any incorporated company which is a personal corporation as defined in *The Income Tax Act* (Ontario).

Personal corporations. Rev. Stat., c. 25.

(4) "Income" as hereinbefore defined, shall be subject to the following exemptions and deductions:

Exemptions and deductions.

(a) Such reasonable amount as the Treasurer, in his discretion, may allow for depreciation, and the Treasurer in determining the income derived from mining and from oil and gas wells and timber limits shall make such an allowance for the exhaustion of the mines, wells and timber limits as he may deem just and fair; and in the case of leases of mines, oil and gas wells and timber limits, the lessor and lessee shall each be entitled to deduct a part of the allowance for exhaustion as they agree and in case the lessor and the lessee do not agree, the Treasurer may apportion the deduction between them and his determination shall be final;

Depreciation and exhaustion. Depletion between lessor and lessee.

(b) Such reasonable rate of interest on borrowed capital used in the business as the Treasurer in his discretion

Interest on borrowed capital.

may allow notwithstanding the actual rate of interest payable by the incorporated company, but to the extent that the rate of interest payable by the incorporated company is in excess of the amount allowed by the Treasurer, it shall not be allowed as a deduction and the rate of interest allowed shall not in any case exceed the rate stipulated for in the bond, debenture, mortgage, note, agreement or other similar document, whether with or without security, by virtue of which the interest is payable;

Donations
to charity.

- (c) Not more than ten per centum of the net taxable income of any incorporated company which has been actually paid by way of donation within its fiscal year to, and receipted for as such by, any charitable organization in Canada operated exclusively as such and not operated for the benefit or private gain or profit of any member or shareholder thereof or other person;

Payments
to super-
annuation
or pension
funds.

- (d) In the case of any lump sum payment made in Canada by any incorporated company on account of an employees' superannuation or pension fund or plan in respect of past services of employees, made in such manner that the sum is irrevocably charged for the benefit of the fund or plan, one-tenth of the lump sum payment in each of ten successive years, commencing in the year in which payment is made; provided that in the case of a lump sum payment heretofore made, a deduction of one-tenth thereof shall be allowed in the fiscal year ending in 1939 and in each fiscal year thereafter until ten years have elapsed from the year of the lump sum payment;

Dividends
from other
companies

- (e) Dividends received by an incorporated company,—
- (i) from another incorporated company to the extent that such dividends have been paid from net income which has been the subject of tax under this section;
 - (ii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, the shares of which, with the exception of the directors' qualifying shares, are held by the incorporated company, to the extent that such dividends have been paid from net income which has been the subject of tax under the laws of any other province or provinces of Canada; provided that the exemption allowed in respect of such

dividends or parts of dividends as have been paid from net income which has been the subject of tax at a rate less than that imposed by this section shall be limited to that proportion of such dividends or parts of dividends as the rate of tax paid on such net income bears to the rate of tax imposed under this section;

- (iii) from a subsidiary company incorporated under the laws of the Dominion of Canada or of any province of Canada, fifty per centum or more of the voting shares of which is owned by the recipient incorporated company if such subsidiary company is one, the business operations of which are of an industrial, mining, commercial, public utility or public service nature and are carried on entirely outside of Canada either directly or through subsidiary or affiliated companies and the assets of which, except securities acquired by the investment of accumulated income and such bank deposits as may be held in Ontario, are situated entirely outside of Canada including wholly owned subsidiary companies which are engaged solely in the prosecution of the business outside of Canada of such subsidiary company;

provided that in computing the proportionate or fractional part of dividends to be exempted from the income of the recipient incorporated company, as provided by this clause, the determination of the Treasurer shall be final;

- (f) Dividends received directly or through any other subsidiary company by an incorporated company incorporated under the laws of the Dominion of Canada or of any province of Canada (referred to in this clause as the "Canadian company"), the shares of which are held by the public, from a subsidiary company incorporated outside the Dominion of Canada, the shares of which, with the exception of the directors' qualifying shares, are owned directly or through any subsidiary company by the Canadian company if the Treasurer is satisfied that at least seventy-five per centum of the combined capital of such Canadian company and all of its wholly owned subsidiary companies is employed directly or indirectly outside of Canada; provided that this exemption shall be allowed only if and to the extent that the country in which the subsidiary company is carrying

Dividends from foreign subsidiaries.

on business grants substantially similar relief to companies incorporated therein in respect of dividends received from subsidiary companies carrying on business in Canada; provided further that the exemption allowed hereunder in any one fiscal year of such Canadian company shall be limited in the aggregate to an amount equal to the sum of the profits of the subsidiary company subject to income tax abroad in the fiscal year of and in the fiscal year next preceding the declaration of such dividend; provided further that in this clause "capital" shall mean all assets owned or employed in the business of the Canadian company and of all its wholly owned subsidiary companies, other than all inter-company obligations between such companies and goodwill;

Investment
income of
extra provin-
cial corpora-
tions.

- (g) That part of the income of any incorporated company, the head office of which is situated outside of Ontario, derived as interest on bonds and obligations of other incorporated companies and of governments, municipal and school corporations and as dividends from other incorporated companies.

Deductions
not allowed.

- (5) In computing the amount of income to be assessed, a deduction shall not be allowed in respect of,—

Expenses
not laid out
to earn
income.

- (a) any disbursement or expense not wholly, exclusively and necessarily laid out or expended for the purpose of earning income;

Capital
outlay or
losses, etc.

- (b) any outlay, loss or replacement of capital or any payment on account of capital or any depreciation, depletion or obsolescence, except as otherwise provided in this Act;

Annual
value of
property.

- (c) the annual value of property, real or personal, except rent actually paid for the use of such property, used in connection with the business of an incorporated company to earn income;

Reserves,
contingent
accounts and
sinking
funds.

- (d) amounts transferred or credited to a reserve, contingent account or sinking fund, except such an amount for bad debts as the Treasurer may allow and except as otherwise provided in this Act;

Carrying
charges.

- (e) carrying charges or expenses of unproductive property or assets not acquired for the purposes of the trade or business of the incorporated company or of a liability not incurred in connection with the trade or business of the incorporated company;

- (f) carrying charges of property the income from which is exempt, except to the extent that such carrying charges exceed the exempt income; Application of carrying charges.
- (g) any sums charged by any company or organization outside of Canada to a company incorporated under the laws of the Dominion of Canada or of any province of Canada in respect of management fees or services or for the right to use patents, processes or formulae presently known or yet to be discovered, or in connection with the letting or leasing of anything used in Canada, irrespective of whether a charge or price is agreed upon or otherwise, if the company or organization to which such sums are payable, or the company incorporated under the laws of the Dominion of Canada or of any province of Canada is controlled directly or indirectly by any company or group of companies or persons within or without Canada which are affiliated one with the other by the holding of shares or by agreements or otherwise; provided that a portion of any such charges may be allowed as a deduction if the Treasurer is satisfied that the charges are reasonable for services actually rendered or the use of anything actually used in Canada; Expenses payable to controlling company abroad.
- (h) the distribution of earnings by any incorporated company to holders of its income bonds or income debentures; provided that in cases where such income bonds or income debentures have been issued or the income provisions thereof have been adopted since the close of the fiscal year of the incorporated company ending in 1930, in consequence of an adjustment of previously existing bonds or debentures bearing an unconditional fixed rate of interest, which adjustment, to the satisfaction of the Treasurer, was occasioned by financial difficulties of the debtor incorporated company or its predecessor and was intended to afford some relief to such debtor incorporated company or its predecessor, then the provisions of this subclause shall not apply; or Dividends on income bonds or income debentures.
- (i) the amount of tax paid on account of net income to the Dominion of Canada and to any other jurisdiction including Ontario. Tax paid to Dominion of Canada.

(6) The Treasurer may disallow as an expense the whole or any portion of any salary, bonus, commission, director's fee or other charge which in his opinion is in excess of what is reasonable for the services performed. Limitation of certain expenses charged against income.

Deduction
from tax on
income.

(7) An incorporated company shall be entitled to deduct from the tax calculated upon net income which would otherwise be payable by it under this Act the amount of the tax calculated upon net income which was paid or payable during the fiscal year for which tax under this Act is imposed to the government of any province, state or country outside of Ontario with the exception of the tax paid to the Dominion of Canada, provided that such deduction shall not at any time exceed, or in the case of any such incorporated company the head office of which is situated outside of Ontario shall neither be less than nor exceed, the amount of the tax which would otherwise be payable in respect of net income derived from sources within each such province, state or country, and provided that the net income derived from sources within each such province, state or country shall be determined in the following manner:

Ship trans-
portation
companies.

- (a) In the case of an incorporated company the business of which is that of ship transportation the amount of net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the amount of the tonnage of each of its ships which operated during the fiscal year of such company and which touched at a port within such province, state or country multiplied by the number of times each such ship touched at a port within such province, state or country during such fiscal year plus the amount of tonnage of each of its ships which did not operate during such fiscal year and which was held at a port within such province, state or country, bears to the total amount of tonnage of its ships which operated during such fiscal year multiplied by the total number of times each such ship called at any port during such fiscal year plus the total amount of tonnage of its ships which did not operate during such fiscal year;

Other trans-
portation
companies.

- (b) In the case of an incorporated company the business of which is that of transporting passengers or freight or both by bus, truck or aircraft, the amount of net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipalities, which the number of miles travelled by its buses,

trucks or aircraft during the fiscal year of such company in each such province, state or country bears to the total number of miles travelled by its buses, trucks or aircraft during such fiscal year;

- (c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent or which merely holds assets or which owns and operates grain elevators, or international or inter-provincial bridges or tunnels or both or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bear to the book value of the total fixed assets and the goods and supplies as shown by the inventories; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;
- (d) In the case of every other incorporated company, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the gross sales made to or the gross revenue received from customers residing in each such province, state or country excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations bear to the total gross sales made or gross revenue received, excluding gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations;

Companies dealing in fixed assets.

All other incorporated companies.

provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Income from
foreign
investments.

- (e) In the case of any incorporated company having its statutory head office in Ontario, any part of whose net income consists of dividends and interest from investments in the shares and bonds of other incorporated companies and of governments, municipal and school corporations, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

Evidence
required.

- (8) Any such deduction shall be allowed only if the incorporated company furnishes evidence satisfactory to the Treasurer of the amount of tax paid or payable during its fiscal year to the government of each such province, state or country in respect of net income.

Railway
hotels, —
tax on
income.

15. In addition to the taxes imposed by sections 5, 11 and 13 any incorporated company owning, operating or using a railway which also owns, operates or uses an hotel or hotels in Ontario shall pay a tax of two per centum calculated on the net income derived from the operation of such hotel or hotels and net income for the purposes of this section shall be determined in the manner provided by subsections 2, 4 and 5 of section 14 in so far as the definition of net income therein applies to the income from the operation of hotels in Ontario.

How tax to
be deter-
mined.

16. Unless otherwise provided in this Act, any tax imposed by this Act shall be determined upon the amount of the paid-up capital stock, mileage or other subject in respect of which the amount of such tax is to be ascertained as such stock, mileage or other subject stood at the end of the fiscal year of the company for which the tax is imposed, provided that, in reference to the number of places of business, the number shall be the maximum number opened during such fiscal year and provided further that in reference to gross premiums of insurance companies and the net income of incorporated companies the amount on which any tax imposed by this Act shall be calculated shall be the gross premiums received or the

net income earned during the fiscal year of the company for which the tax is imposed.

17.—(1) Every company on which a tax is imposed by this Act shall on or before the last day of the month which ends four months following the close of the fiscal year of such company, without notice or demand, and every company on which a tax is or is not imposed by this Act shall upon receipt of a notice or demand in writing from the Treasurer or from any officer of the Treasury Department of Ontario authorized by the Treasurer to make such demand, deliver to the Treasurer such return as the Lieutenant-Governor in Council may prescribe for the purposes of carrying out the provisions of this Act. Company to file annual return.

(2) The return shall be verified by a certificate certifying that the financial statements included in the return or attached thereto are in agreement with the books of the company and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require. Verification of returns.

(3) In addition to the return required by subsection 1, every company from which a return is required by subsection 1 shall, on or before the 15th day of the month which ends three months following the close of the fiscal year of such company, deliver to the Treasurer a return of all dividends and bonuses paid to shareholders and members, and such return shall be in the form prescribed by the Lieutenant-Governor in Council. Return of dividends.

18.—(1) When any company is in default in complying with the provisions of subsection 1 of section 17, such company shall be liable to a penalty of five per centum of the tax payable by such company; provided that such penalty shall not in any case exceed \$500. Penalty for default.

(2) When any company is in default in complying with the provisions of subsection 3 of section 17, such company shall be liable to a penalty of \$10 for each day of such default; provided that such penalty shall not in any case exceed \$50. Idem.

(3) When any company fails to complete the information required on the return prescribed by the Lieutenant-Governor in Council under subsection 1 of section 17, such company shall be liable to a penalty of one per centum of the tax payable by it; provided that such penalty shall not in any case be less than \$1 and shall not in any case exceed \$20. Failure to complete return.

(4) For every false statement contained in any return made or any information furnished to the Treasurer by any person, False statement.

such person shall be liable to a penalty not exceeding \$10,000 or to imprisonment for six months or to both fine and imprisonment.

Time for making return.

19. The Treasurer may, before or after the time for making it, enlarge the time for making any return.

Taxes, — when to accrue.

20.—(1) The taxes imposed by this Act shall be deemed to be due on the last day of the fiscal year of the company for which such taxes are imposed and shall be payable on or before the last day of the month which ends four months from the close of such fiscal year.

Tax to be forwarded with return.

(2) Every company on which a tax is imposed by this Act shall send with the return required by subsection 1 of section 17, not less than one-third of the amount of the tax payable as estimated by the company in the return and may pay the balance of such tax within four months thereafter together with interest at the rate of five per centum per annum upon such balance calculated from the last day prescribed for making such return until the date of payment.

Where less than one-third of tax paid.

(3) When any company on which a tax is imposed by this Act pays less than one-third of the amount of the tax payable as estimated by the company in the return or fails to make any payment on or before the date on which the tax is payable, or fails to pay the balance of the tax as estimated by the company in the return, within four months thereafter, the company shall pay, in addition to the interest at five per centum per annum, provided by subsection 2, interest at the rate of three per centum per annum upon the deficiency calculated from the date of default until the date of payment.

Returns examined.

21.—(1) The returns received by the Treasurer shall with all possible despatch be checked and examined.

Demand for additional information.

(2) If the Treasurer, in order to enable him to make an assessment or for any other purpose, desires any information or additional information, or a return from any company which has not made a return or a complete or sufficient return, he may by registered letter, demand from such company, or from the president, manager, secretary, agent or representative thereof such information, additional information or return and the company, president, manager, secretary, agent or representative upon whom such a demand is made shall deliver to the Treasurer such information, additional information or return within thirty days of the mailing of such registered letter.

Production of letters, accounts, etc.

(3) The Treasurer may, by registered letter, require the production under oath or otherwise, by any such company or the president, manager, secretary, agent or representative of such company, or by any person, partnership, syndicate, trust or company holding or paying or liable to pay any portion

of the income of any such company, or by any partner, agent or official of any such person, partnership, syndicate, trust or company, of any letters, accounts, invoices, statements or other documents.

(4) The Treasurer may, by registered letter, require production, under oath or otherwise, by any person, partnership, syndicate, trust or company, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or company or of his or its agent, for the purpose of determining what tax, if any, is payable by any other company and production shall be made within thirty days of the mailing of such registered letter.

Production of evidence to prove tax payable by another company.

(5) If any company fails or refuses to keep adequate books or accounts for the purposes of ascertaining the amount of the tax payable under this Act, the Treasurer may require such company to keep such records and accounts as he may prescribe.

Books of account to be kept.

(6) For every default in complying with the provisions of subsections 2 to 5 the company or persons, or both, in default shall jointly and severally be liable to a penalty of \$25 for each day during which the default continues.

Penalty.

(7) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with the provisions of this section as well as the failure of any person, partnership, syndicate, trust, incorporated company or other company to comply with the requirements of this section shall be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department of Ontario.

Compliance of Treasurer to be proved by affidavit.

(8) Any officer authorized by the Treasurer may make such inquiry as he may deem necessary to ascertain the paid-up capital, net income or other subject of any company, and for the purposes of such inquiry, such officer shall have all the powers and authority of a commissioner appointed under *The Public Inquiries Act*.

Inquiry as to paid-up capital, income, etc.
Rev. Stat., c. 19.

(9) No return or information supplied by or on behalf of any company shall be binding upon the Treasurer, and notwithstanding any such return or information, or in the absence of any return or information, the Treasurer may determine the amount of the tax to be paid by any company.

Treasurer not bound by returns.

(10) After examination of the return of the company, the Treasurer shall send a notice of assessment to such company verifying or altering the amount of tax as estimated in the return of the company and any additional tax found to be due over the estimated amount shall be paid within one month

Notice of assessment.

from the date of mailing of the notice of assessment, and subject to the provisions of section 20, such additional tax shall bear interest at the rate of five per centum per annum calculated from the last day prescribed for making such return to the date of payment.

Penalty for
non-payment
of additional
tax.

(11) If any company fails to pay such additional tax and interest within one month from the date of the mailing of the notice of assessment, the company shall pay, in addition to the interest provided by subsection 10, interest at the rate of three per centum per annum upon the additional tax calculated from the expiry of the period of one month from the date of the mailing of the notice of assessment to the date of payment; provided that notwithstanding the date of the mailing of any notice of assessment, the additional rate of interest provided herein shall not commence to accrue earlier than the last day of the month ending eight months following the close of the fiscal year of such company.

Refund.

(12) The Treasurer may refund at, prior to or after issue of the notice of assessment, any overpayment of tax, interest or penalties made by the company, provided application in writing is made therefor by the company within six months of the date of the payment of the tax or the date on which the notice of assessment was issued, and any refund of tax made under this subsection may be paid with interest at the rate of three per centum per annum thereon calculated from six months after the time the tax first became overpaid, provided that no interest shall be paid where the refund of tax made is less than \$50.

Confirma-
tion of
liability of
tax.

(13) Notwithstanding any prior assessment or if no assessment has been made the company shall continue to be liable for any tax imposed by this Act and to be assessed therefor and the Treasurer may at any time assess, re-assess or make additional assessments upon any company for tax and penalties.

Notice of
appeal.

22.—(1) Any company which objects to the amount at which it is assessed, or which considers that it is not liable to taxation under this Act, may by itself or by its solicitor, within one month after the date of the mailing of the notice of assessment provided for in subsection 10 of section 21, serve a notice of appeal upon the Treasurer.

Notice in
writing.

(2) Such notice of appeal shall be in writing and shall be served by mailing the same by registered post addressed to the Treasurer.

Form of
notice of
appeal.

(3) Every such notice shall, as closely as may be, follow the form contained in the First Schedule of this Act, and shall set out clearly the reasons for appeal and all facts relative thereto.

23. Upon receipt of the said notice of appeal the Treasurer shall duly consider the same and shall affirm or amend the assessment appealed against and shall notify the appellant company of his decision by registered post. Decision to affirm or amend assessment.

24.—(1) If the appellant company, after receipt of the said decision, is dissatisfied therewith, it may, within one month from the date of the mailing of the said decision, mail to the Treasurer by registered post, a notice entitled,— Notice of dissatisfaction respecting the decision.

THE CORPORATIONS TAX ACT, 1939

NOTICE OF DISSATISFACTION

In re the appeal of.....of the
.....of.....in the
Province of.....

stating that it desires its appeal to be set down for trial.

(2) The appellant company shall forward therewith a final statement of such further facts, statutory provisions and reasons which it intends to submit to the court in support of the appeal as were not included in the aforesaid notice of appeal, or in the alternative, a recapitulation of all facts, statutory provisions and reasons included in the aforesaid notice of appeal, together with such further facts, provisions and reasons as the appellant intends to submit to the court in support of the appeal. Statement with notice.

25.—(1) The appellant company shall thereupon give security in a sum of not less than \$400 or such lesser amount as the Treasurer may require for the costs of the appeal in a form satisfactory to the Treasurer; provided that in lieu of other security the appellant company may pay into court a sum of not less than \$200 or such lesser amount as the Treasurer may require in which case such company shall, when paying such sum in, state the purpose for which it is paid in and shall forthwith serve a notice upon the Treasurer specifying the fact and purpose of such payment. Security.

(2) Unless such security is furnished by the appellant company within one month after the mailing of the notice of dissatisfaction the appeal and all proceedings thereunder shall become null and void. Proceedings voided.

26. Upon receipt of the said notice of dissatisfaction and statement of facts, a reply thereto shall be mailed by registered post admitting or denying the facts alleged and confirming or amending the assessment or any amended, additional or subsequent assessment. Decision upon receipt of statement of facts.

Copy of documents to be filed.

27.—(1) Within two months from the date of the mailing of the said reply, the Treasurer shall cause to be transmitted to the registrar of the Supreme Court of Ontario or the local registrar of the said Court for the county or district in which the appellant company has its head or other office or transacts business, to be filed in the said Court, copies of the following documents:

- (a) The Corporations Tax Return of the appellant company, if any, for the fiscal year under review;
- (b) The Notice of Assessment appealed;
- (c) The Notice of Appeal;
- (d) The Decision;
- (e) The Notice of Dissatisfaction;
- (f) The Reply; and
- (g) All other documents and papers relative to the assessment under appeal.

Matter deemed action.

(2) The matter shall thereupon be deemed to be an action in the said Court and shall be set down for trial forthwith by the registrar or local registrar as the case may be, and thereafter shall be proceeded with in the same manner as an action commenced in the said Court; provided that the Court or a judge may at any time prior to the commencement of the trial make such order relating to the delivery of pleadings as may be deemed proper.

Supreme Court practice to govern.

(3) The practice and procedure of the Supreme Court of Ontario, including the right of appeal and the practice and procedure relating to appeals, shall apply to every such action, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the said Court.

Title of cause.

28. All subsequent proceedings shall be entitled:

In re *The Corporations Tax Act, 1939* and the appeal
of.....of.....in the
Province of.....

and notice and copies of all further proceedings shall be served upon the Treasurer.

29.—(1) After an appeal has been set down for trial or hearing as above provided, any fact or statutory provision not set out in the said notice of appeal or notice of dissatisfaction may be pleaded or referred to in such manner and upon such terms as the Court or a judge thereof may direct.

Conditional
limitation
of evidence.

(2) The Court may refer the matter back to the Treasurer for further consideration.

Matter may
be referred
back to
Treasurer.

30. Subject to the provisions of this Act, the Supreme Court of Ontario shall have exclusive jurisdiction to hear and determine all questions that may arise in connection with any assessment made under this Act and in delivering judgment may make any order as to payment of any tax, interest or penalty or as to costs as to the said Court may seem right and proper.

Jurisdiction
of Court.

31. An assessment shall not be varied or disallowed because of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision up to the date of the issuing of the notice of assessment.

Irregulari-
ties not to
effect
validity of
assessment.

32. Proceedings before the Supreme Court of Ontario hereunder shall be held in camera upon request made to the Court by any party to the proceedings.

Proceedings
in camera.

33. If a notice of appeal is not served or a notice of dissatisfaction is not mailed within the time limited therefor, the right of the company assessed to appeal shall cease and the assessment shall be valid and binding notwithstanding any error, defect or omission therein or in any proceedings required by this Act.

Right of
appeal
barred.

34.—(1) Upon default of payment by any company of any tax or penalty, or both, imposed upon such company by this Act,—

Recovery of
penalty or
tax.

- (a) The Treasurer may bring an action for recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;
- (b) The Treasurer may issue a warrant in the form prescribed by the regulations and directed to the sheriff of any county or district in which any property of the company is located or situate, for the amount

of the tax, interest and penalty, or any of them, owing by the company to the Treasurer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant shall have the same force and effect as a writ of execution issued out of the Supreme Court of Ontario;

- (c) The Treasurer or any officer authorized by him may enter upon the premises of the company or any other place in Ontario where the books or records of the company or any part of them are kept and make such investigation and examination as he may deem necessary, and may seize all or any of such books and records and may, by notice in writing, require that any person, partnership, syndicate, trust or corporation who may be indebted to such company shall pay such indebtedness to the Treasurer.

Penalties
payable to
Treasurer.

Rev. Stat.,
c. 136.

- (2) Except where otherwise specifically provided the penalties imposed by this Act may be recoverable under *The Summary Convictions Act* and shall be payable to the Treasurer of Ontario.

Remedies
for recovery
of tax and
penalty.

- (3) The use of any of the remedies provided by this section shall not be a bar to or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of payment of any tax or penalty, or both, imposed by this Act shall be in addition to any other remedies existing by law, and no action or other proceeding taken shall in any way prejudice, limit or affect any lien, charge or priority existing under the provisions of this Act or otherwise.

Manner of
serving
notice.

- 35.**—(1) A notice under clause *c* of subsection 1 of section 34 may be served personally or by prepaid registered post addressed to such person, partnership, syndicate, trust or corporation at the address indicated in the books or records of the company and the receipt of payment of the amount of the indebtedness by the Treasurer shall constitute a good and sufficient discharge of the liability of such person, partnership, syndicate, trust or corporation to the company to the extent of the amount indicated in the receipt.

Liability of
debtor.

- (2) Any person, partnership, syndicate, trust or corporation discharging any liability to a company owing taxes, penalties or both under this Act after the service of the notice referred to in subsection 1 shall be personally liable to the Treasurer to the extent of the amount of the liability discharged between such person, partnership, syndicate, trust or corporation and such company or to the extent of the amount of taxes, interest

and penalties owing under this Act by the company which ever is the lesser amount and the Treasurer shall have the same remedies for the recovery of such amount from such person, partnership, syndicate, trust or corporation as he has for the recovery from a company of a tax or penalty imposed upon it under this Act.

36. Every tax and penalty imposed by this Act shall be a ^{Priority} first lien and charge upon the property in Ontario of the ^{of tax.} company liable to pay such tax or penalty or both.

37.—(1) Where a company has failed to pay taxes and penalties imposed by this Act for a period in excess of three years from the date of the mailing of the notice of assessment provided by subsection 10 of section 21, no person shall sell any capital assets of such company unless he has given written notice by prepaid registered post to the Treasurer not less than ten days prior to the date of such sale. ^{Notice to be given Treasurer of sale of company's capital assets.}

(2) Every person who violates the provisions of subsection 1 shall be liable to a penalty of not less than an amount equal to the amount of such taxes and penalties in default, and such penalty shall be recoverable by action in any court in which a debt or money demand of a similar amount may be collected. ^{Penalty.}

38. If any doubt or dispute arises as to the liability of any company to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed under this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund the amount paid or any part thereof. ^{Compromising disputes as to liability for taxes.}

39. Every person who, and every company which violates any of the provisions of this Act or the regulations for which no other penalty is provided, shall be guilty of an offence and liable to a penalty of not less than \$50 and not exceeding \$500. ^{Penalty.}

40. The Lieutenant-Governor in Council may make regulations,— ^{Regulations.}

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

- (b) prescribing the form of returns required to be made by this Act;
- (c) providing for the issuance of certificates as to the amount of taxes and penalties owing by any company under this Act and prescribing the fees payable therefor; and
- (d) generally for the better carrying out of the provisions of this Act.

Agreement
between
Treasurer
and
Minister.

41.—(1) Notwithstanding anything contained in this Act, upon the approval by the Lieutenant-Governor in Council of an agreement between the Treasurer and the Minister, and subject to its provisions, the Minister and the Commissioner of Income Tax are hereby authorized to exercise in the place and stead, on behalf of or as agent for the Treasurer and Controller of Revenue, such of the powers and duties imposed upon the Treasurer and the Controller of Revenue respectively under this Act as may be specified in the said agreement.

Expenses.

(2) The Lieutenant-Governor in Council may authorize the Treasurer to pay any expenses that may be incurred by the Minister in carrying out the provisions of this Act.

Declarations
and
affidavits.

42. Declarations or affidavits in connection with returns filed under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Secrecy.

43.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty.

(2) Any person violating any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding \$200.

Distribution
of one-half
the revenue
from railway
tax among
municipal-
ities.

44.—(1) There shall be set apart from the Consolidated Revenue Fund on the 31st day of December in each year a sum equal to one-half the receipts of the province during such year for taxes from railway companies under subsection 1 of section 5 after deducting therefrom the sum of \$30,000 and the sum so set apart shall, on the 31st day of December in each year, be credited to the cities, towns, villages and

organized townships in Ontario in proportion to population as compared with the whole population of Ontario as shown by the last preceding Dominion census, and in the event of the population of any municipality being uncertain, owing to change of municipal boundaries, the Lieutenant-Governor in Council may determine the same for the purposes of this Act.

(2) The Lieutenant-Governor in Council may fix the amount Fixing amounts. per head of the population to be so credited without allowing for fractions of a cent.

(3) Against the amount so credited there shall be charged, Debiting municipalities with cost of maintenance of patients. as a contribution towards his maintenance, a sum amounting to ten cents per patient per day for each patient belonging to the municipality maintained for the whole or any part of such year in any institution within the meaning of *The Mental Hospitals Act*, other than the Ontario Hospital, Woodstock, such charge to be made only in respect of patients Rev. Stat., c. 392. on account of whose maintenance the Province is not in receipt from any source of \$1.50 per week or more.

(4) All questions as to the liability of a municipal corporation to such charge shall be determined by an officer Determining liability of municipality to contribute to maintenance of patients. designated for that purpose by the Minister of Health, whose decision may at any time and from time to time be varied or cancelled by himself or by any other officer designated by the Minister of Health, and the certificate of the Minister of Health declaring the amount of such charge shall be accepted and acted upon by the Provincial Auditor without further evidence as determining the amount to be deducted, under subsection 3.

(5) The balance remaining at the credit of each municipal corporation after deducting such charge shall be forthwith paid by the Treasurer to the corporation. Payment of balance.

(6) The name of every patient in respect of whom the charge is made shall be furnished annually to the municipal corporation but shall not be published in its accounts unless Names of patients to be sent to municipalities. the council so directs.

45.—(1) The provisions of *The Corporations Tax Act* shall Application of Rev. Stat., c. 29 and this Act. apply to companies in respect of all fiscal years ending before or during 1938 and the provisions of this Act shall apply thereafter provided that the provisions of this Act relating to the collection of taxes shall apply to the collection of taxes payable under *The Corporations Tax Act*, and provided further that every company the fiscal year of which ended on and after the 1st day of November, 1938, and up to and including the 31st day of December, 1938, shall,— Proviso.

CHAPTER 11.

An Act to amend The Counties Reforestation Act.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Counties Reforestation Act* is amended by adding thereto the following section: Rev. Stat.,
c. 323,
amended.

- 4.—(1) The municipal council of any township may enter into agreements with the owners of lands located in such township providing for,— Agreements
as to re-
forestation
areas.
- (a) the reforestation of portions of such lands;
 - (b) the entry and planting of trees upon such portions by the servants or agents of the council; and
 - (c) the fencing of such portions and conservation of all growing trees thereon by the owner.
- (2) No such agreement shall provide for the reforestation of less than five acres of land for every one hundred acres belonging to the same owner. Acreage.
- (3) Every such agreement shall prescribe the conditions under which the cutting of timber upon such portions may be carried out and such conditions shall be subject to the approval of the Minister of Lands and Forests. Cutting.
- (4) The council of the township may exempt any such portion from general taxation as long as it continues to be used for the purposes set out in the agreement. Exemption
from
taxation.
- (5) The council of the township may enter into agreements with the Minister of Labour for Canada and the Minister of Labour for Ontario regulating the conditions of labour and the payment of wages in respect of labour performed in connection with the planting and conservation of trees in such portions. Agreements
with
Ministers of
Labour.

2. This Act may be cited as *The Counties Reforestation Amendment Act, 1939.* Short title.

CHAPTER 12.

An Act respecting Credit Unions.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Co-operative Credit Societies Act*, being chapter 258 of The Revised Statutes of Ontario, 1937, is amended by striking out the words "Co-operative Credit Societies" in the title and inserting in lieu thereof the words "Credit Unions" so that the said title shall now read "The Credit Unions Act," and is further amended by striking out the words "society" and "societies" wherever they occur in the said Act and inserting in lieu thereof the words "credit union" and "credit unions" respectively.

2. Section 1 of *The Co-operative Credit Societies Act* is amended by adding thereto the following clause:

(bb) "Inspector" shall mean inspector appointed by the Minister under the provisions of this Act.

3. Section 7 of *The Co-operative Credit Societies Act* is repealed and the following substituted therefor:

7. Upon receiving any petition the Minister may, in his discretion, refuse to issue a certificate of incorporation and give notice thereof in the *Ontario Gazette* and thereupon such credit union shall be a corporation under the name described in the certificate and notice, and all property for the time being vested in any person in trust for the credit union shall be vested in the credit union and the certificate of incorporation and the rules of the credit union, together with this Act, shall constitute the charter of the credit union.

4. Section 13 of *The Co-operative Credit Societies Act* is repealed.

Rev. Stat.,
c. 258, s. 29,
amended.

5. Section 29 of *The Co-operative Credit Societies Act* is amended by adding thereto the following subsections:

Interest rate
on loans.

- (2) Interest together with all charges shall not exceed one per centum per month on the unpaid balance of any loan.

Loans to
officers, etc.

- (3) No officer or member of a board shall borrow or have on loan an amount in excess of the aggregate of his fully paid up shares and deposits unless such loan is approved unanimously at a joint meeting of the committee and boards of credit and supervision.

Rev. Stat.,
c. 258, s. 31,
subs. 3;
s. 32, subs. 7
repealed.

6. Subsection 3 of section 31 and subsection 7 of section 32 of *The Co-operative Credit Societies Act* are repealed.

Rev. Stat.,
c. 258,
amended.

7. *The Co-operative Credit Societies Act* is amended by adding thereto the following section:

Inspector.

- 45a.—(1) The Minister may appoint an Inspector who shall be known as the Inspector of Credit Unions.

Information
for
Inspector.

- (2) Every credit union shall furnish the Inspector with such statements with respect to its business, finances and other affairs and such other information as he may require.

Yearly
statement.

- (3) A credit union shall on or before the 1st day of March in each year deliver to the Inspector, in duplicate, an audited statement of the receipts and expenditures, assets and liabilities of the credit union and such other information as may be required by the Inspector.

Verification.

- (4) The statement and any other information shall be certified by the board of supervision and shall be verified by the affidavit of the manager.

Inspection.

- (5) The Inspector or any person authorized by him may inspect and examine into the conditions and affairs of each credit union and shall have access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with the provisions of this Act, and the officers and employees shall facilitate such inspection and examination.

Examination
under oath.

- (6) The Inspector or any person authorized by the Minister may examine under oath officers, employees, members and members of any board, of any credit

union in order to obtain any information which he deems necessary for the purpose of such examination, and upon such examination the Inspector or any person so authorized by the Minister shall have all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

- (7) The Inspector may, and at the request of the Minister shall, prepare from statements filed by the credit unions and from inspections and inquiries made, a report showing particulars of the business of each credit union and every such report may be printed and if printed shall be published forthwith.

Reports.

8. Section 51 of *The Co-operative Credit Societies Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 258, s. 51,
amended.

- (2) Any person guilty of an offence under this Act shall be liable to a penalty of not less than \$20 and not exceeding \$200 for every such offence and in default of payment to imprisonment for a term not exceeding three months.

Penalty for
offences.

- (3) The penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act*.

Recovery of
penalties.
Rev. Stat.,
c. 136.

9. Section 53 of *The Co-operative Credit Societies Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 258, s. 53,
re-enacted.

53. The Lieutenant-Governor in Council may make regulations,—

Regulations.

- (a) prescribing the form and contents of the rules of credit unions;
- (b) prescribing the procedure and forms to be used under this Act;
- (c) altering, amending or varying Schedules A and B to this Act;
- (d) prescribing the fees payable for incorporation, inspection and supervision of credit unions and for the filing of any petition, return or other document required or permitted to be filed under this Act; and
- (e) governing the management and control of credit unions and generally for the better carrying out of the provisions of this Act.

Commence-
ment of Act

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Credit Unions Amendment Act, 1939.*

CHAPTER 13.

An Act to amend The Crown Timber Act.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 3 of *The Crown Timber Act* is amended by striking out the word "May" in the fourth line and inserting in lieu thereof the word "April," so that the said subsection shall now read as follows: Rev. Stat., c. 36, s. 3, subs. 6, amended.

(6) Subject to any rights which may have accrued to the Crown prior to the issue of the license, every renewed license shall be deemed to have taken effect from the 1st day of April of the season for which it was granted. Commencement of term of license.

2. Section 6 of *The Crown Timber Act* is amended by adding thereto the following subsection: Rev. Stat., c. 36, s. 6, amended.

(2) The Lieutenant-Governor in Council may suspend the operation of "the manufacturing conditions" referred to in Schedule C for such period as to him may seem proper, and as to any district or districts which he may define so as to permit the exportation of any or all of the kinds of hardwood timber mentioned in subsection 1 during such period, and from such district or districts to any part of the British Empire. Suspension of manufacturing conditions.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The Crown Timber Amendment Act, 1939.* Short title.

CHAPTER 14.

An Act to amend The Farm Products Control Act.

*Assented to April 14th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Farm Products Control Act* is amended by inserting after the word "include" in the first line the word "advertising", by inserting after the word "selling" in the first line the word "transporting" and by adding at the end thereof the words "but shall not include buying and selling by retail" so that the said clause shall now read as follows:

Rev. Stat.,
c. 75, s. 1,
cl. *c*,
amended.

- (c) "Marketing" shall include advertising, buying, selling, transporting, shipping for sale or storage and offering for sale, but shall not include buying and selling by retail.

2. Clause *e* of subsection 1 of section 3 of *The Farm Products Control Act* as enacted by subsection 1 of section 4 of *The Farm Products Control Amendment Act, 1938*, is amended by adding at the end thereof the words "or any grade of a regulated product," so that the said clause shall now read as follows:

Rev. Stat.,
c. 75, s. 3,
subs. 1, cl. *e*,
(1938, c. 11,
s. 4, subs. 1),
amended.

- (e) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product.

3. Clause *b* of subsection 1 of section 4 of *The Farm Products Control Act* is amended by adding at the end thereof the words "and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments," so that the said clause shall now read as follows:

Rev. Stat.,
c. 75, s. 4,
subs. 1,
cl. *b*,
amended.

- (b) providing for the licensing of persons engaged in the marketing or processing of any farm product and fixing the license fees payable by such persons at different amounts and providing for the payment of such license fees in instalments.

Rev. Stat.,
c. 75, s. 8,
subs. 2, re-
pealed.

4. Subsection 2 of section 8 of *The Farm Products Control Act* is repealed.

Rev. Stat.,
c. 75,
amended.

5. *The Farm Products Control Act* is amended by adding thereto the following sections:

Failure
to pay
determined
price.

9.—(1) Any person who fails to pay the fair or minimum price adopted or determined by the Board for any regulated product shall, in addition to the penalty provided for in section 8, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

Distribution
of penalty.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive such fair or minimum price.

Recovery of
penalties.
Rev. Stat.,
c. 136.

10. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*.

Short title.

6. This Act may be cited as *The Farm Products Control Amendment Act, 1939*.

(NOTE.—See section 11 of *The Statute Law Amendment Act, 1939* (Chapter 47), bringing this Act into force on the 14th day of April, 1939.)

CHAPTER 15.

An Act to amend The Farm Products Grades
and Sales Act.*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Farm Products Grades and Sales Act* Rev. Stat., c. 307, s. 1, amended. is amended by adding thereto the following clause:

(e) "Package" shall include any box, crate or other "Package." receptacle used for or suitable for use in the marketing, transporting or shipping of a farm product.

2. Section 3 of *The Farm Products Grades and Sales Act* Rev. Stat., c. 307, s. 3, amended. is amended by adding thereto the following subsection:

(2) The Minister may designate places where farm products may be inspected and such highway inspection points as are considered necessary. Minister may designate inspection places.

3. *The Farm Products Grades and Sales Act* is amended by adding thereto the following section: Rev. Stat., c. 307, amended.

5a. For the purpose of making an inspection of a package an inspector may detain such package including any farm product that may be contained in such package at the risk of the owner thereof, and the provisions of this Act relating to the detaining and placing under detention of farm products shall apply *mutatis mutandis* to packages and any farm products contained therein. Detention of package.

4. Subsection 1 of, section 7 of *The Farm Products Grades and Sales Act* is repealed and the following substituted therefor: Rev. Stat., c. 307, s. 7, subs. 1, re-enacted.

(1) Any person who violates any of the provisions of this Act or the regulations shall be guilty of an offence and liable to a penalty of not less than \$10 and not exceeding \$50 for a first offence and to a

penalty of not less than \$50 and not exceeding \$100
for a subsequent offence.

Short title.

5. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1939.*

CHAPTER 16.

An Act to amend The Game and Fisheries Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Game and Fisheries Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 353, s. 29,
amended.

 - (2) Notwithstanding the provisions of this section any person holding the proper hunting license may take or export to a point outside the Province any bear taken or killed by such person, or the raw or undressed skin or pelt thereof, without obtaining a permit from the Department or paying the royalty, and may have such skin or pelt dressed, plucked or treated in any other way within the Province without paying royalty.

When
royalty
not re-
quired for
bear and
pelt thereof.
- 2.—(1) Subsection 2 of section 40 of *The Game and Fisheries Act* is amended by striking out the word "and" in the third line and by adding at the end of the subsection the words "Dundas, Durham, Glengarry, Lanark and Stormont," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 353, s. 40,
subs. 2,
amended.

 - (2) It shall be unlawful for any person to use snares for any purpose in the Counties of Victoria, Peterborough, Hastings, Lennox, Addington, Frontenac, Leeds, Grenville, Peel, Carleton, Dundas, Durham, Glengarry, Lanark and Stormont.

Use of snares
in certain
counties
prohibited.
- (2) Subsection 5 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "and" in the third line and by adding at the end of the subsection the words "Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 353, s. 40,
subs. 5,
(1938,
c. 13, s. 8),
amended.

 - (5) It shall be unlawful for any person to hunt, kill or destroy more than six cotton tail rabbits in any one day in the Counties of Essex, Kent, Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland.

Cotton tail
rabbits in
certain
counties.

Rev. Stat.,
c. 353, s. 40,
subs. 6,
(1938,
c. 13, s. 8),
amended.

(3) Subsection 6 of the said section 40 as enacted by section 8 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "and" in the fourth line and by adding at the end of the subsection the words "Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland," so that the said subsection shall now read as follows:

Prohibition
against
selling, etc.,
cotton tail
rabbits in
certain
counties.

(6) It shall be unlawful for any person to sell, offer for sale, purchase or barter, or to be concerned in the sale, purchase or barter of any cotton tail rabbits in the Counties of Essex, Kent, Elgin, Haldimand, Middlesex, Oxford, Waterloo, Lambton and Welland.

Rev. Stat.,
c. 353, s. 41,
re-enacted.

3. Section 41 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

When
shooting
prohibited.

41. It shall be unlawful for any person to discharge any air gun, gun or other firearm in any locality where game is usually found between one-half hour after sunset on Saturday night and one-half hour before sunrise on Monday morning following (standard time) or between one-half hour after sunset and one-half hour before sunrise (standard time) at any other time except as may be provided by regulations.

Rev. Stat.,
c. 353, s. 45,
(1938,
c. 13, s. 9),
amended.

4.—(1) Section 45 of *The Game and Fisheries Act* as re-enacted by section 9 of *The Game and Fisheries Amendment Act, 1938*, is amended by striking out the word "two" in the ninth line and inserting in lieu thereof the word "three," and by striking out the word "other" in the tenth line and inserting in lieu thereof the word "others," so that the said section shall now read as follows:

Use of
automatic
shotgun
prohibited.

45. It shall be unlawful for any person to hunt or shoot any protected or unprotected bird or animal with a shotgun of the description known as "automatic" in which the recoil is utilized to reload the gun, or to carry a gun of this description for such purpose; provided that this section shall not apply to any automatic shotgun which has been reconstructed and plugged so as to be incapable of holding more than three shells at one time, one shell in the barrel and the others in the magazine.

Rev. Stat.,
c. 353, s. 45,
amended.

(2) The said section 45 is further amended by adding thereto the following subsection:

Use of rifle
restricted
during
pheasant
season.

(2) In those parts of Ontario where it is permitted by regulations to take, kill or shoot pheasants it shall be unlawful for any person to hunt or shoot any

protected or unprotected bird or animal with a rifle or to be in possession of a rifle for such purpose, during the period of time pheasants may be lawfully taken, killed or shot.

5. Subsection 1 of section 53 of *The Game and Fisheries Act* is amended by striking out all the words after the word "license" in the sixth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 353, s. 53,
subs. 1,
amended.

- (1) It shall be unlawful for any railway or express company, or other common carrier, or any other person or persons to transport or cause to be transported, or receive or have in possession any deer, moose or caribou, or any head, or other part thereof, unless there is attached thereto one of the shipping coupons belonging to a license.

Transporting
deer, moose
or caribou.

6. Section 58 of *The Game and Fisheries Act* is amended by striking out all the words after the word "made" in the tenth line and inserting in lieu thereof the words "by express or parcel post; provided no shipment of the skins or pelts of fur-bearing animals shall be made by aeroplane or by any other manner not provided for in this section except under the authority of a special permit issued by the Department," so that the said section shall now read as follows:

Rev. Stat.,
c. 353, s. 58,
amended.

58. All receptacles, including bags, boxes, baskets, crates, hand baggage, trunks, packages and parcels of every kind in which the skins of fur-bearing animals or the skins or pelts of protected animals, game or fish are packed for transportation shall be plainly marked on the outside in such manner as to give a list and description of the contents, and the name and address of the consignee and consignor, and this shall apply to pelts, skins, game or fish when being transported by hand or otherwise, and shipments of skins or pelts of fur-bearing animals shall only be made by express or parcel post; provided no shipment of the skins or pelts of fur-bearing animals shall be made by aeroplane or by any other manner not provided for in this section except under the authority of a special permit issued by the Department.

Marking
receptacles
for fish
or game.

7.—(1) Subsection 1 of section 59 of *The Game and Fisheries Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 353, s. 59,
subs. 1, re-
enacted.

- (1) It shall be unlawful for any non-resident, entitled to hunt or shoot in Ontario by virtue of a license under this Act, to export in any one open season game

Exporting
deer, etc.,
by holders
of non-
resident
licenses.

actually and lawfully killed by him in excess of the following: one deer, one bull-moose or caribou, bears or bear pelts, one hundred ducks and fifty geese.

Rev. Stat.,
c. 353, s. 59,
subs. 2,
amended.

(2) Subsection 2 of the said section 59 is amended by adding at the end thereof the words "or geese," so that the said subsection shall now read as follows:

Shipping
coupon.

(2) The shipping coupon belonging to such license shall be attached to every such animal or to the receptacle containing it or any part of it, or containing any ducks or geese.

Rev. Stat.,
c. 353, s. 68,
amended.

8. Section 68 of *The Game and Fisheries Act* is amended by adding thereto the following subsections:

Penalty
as to
maskinonge.

(5a) Any person who commits an offence against this Act or the regulations in respect to maskinonge shall, for each offence, incur a penalty of not less than \$10 and not more than \$100 for each maskinonge the subject thereof.

Penalty
as to
shipment
of pelts of
fur-bearing
animals by
aeroplane.

(5b) Any person who commits an offence against the provisions of section 58 in respect to the shipment of the skins or pelts of fur-bearing animals by aeroplane shall, for each offence, incur a penalty of not less than \$50 and not more than \$500.

Rev. Stat.
c. 353,
amended.

9. *The Game and Fisheries Act* is amended by adding thereto the following section:

Lease of
fishing
rights.

70. No lease or conveyance granting exclusive fishing rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department at any time after the 1st day of May, 1934, shall be valid unless such lease has been submitted to and approved by the Department; provided it shall not be necessary for any such lease in existence prior to the coming into force of this section to be so submitted and approved.

Short title.

10. This Act may be cited as *The Game and Fisheries Amendment Act, 1939*.

CHAPTER 17.

An Act to amend The Gasoline Tax Act.

*Assented to March 31st, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Gasoline Tax Act* is amended by Rev. Stat., c. 32, s. 2, amended. striking out the word "six" in the third line and inserting in lieu thereof the word "eight", so that the said section shall now read as follows:
2. Every purchaser of gasoline shall pay to the Minister Tax payable by purchaser. for the use of His Majesty in right of the Province of Ontario, a charge or tax at the rate of eight cents per imperial gallon on all gasoline purchased or delivery of which is received by him.
2. This Act shall come into force on the 1st day of April, Commence-ment of Act. 1939.
3. This Act may be cited as *The Gasoline Tax Amendment Act, 1939.* Short title.

CHAPTER 18.

The Guelph Railway Act, 1939.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act,—

Interpreta-
tion.

- (a) "Bonds of the Commission" shall mean railway bonds heretofore issued by the Commission in respect of the railway in the principal amount of three hundred thousand dollars (\$300,000) dated 1st May, 1931, carrying interest at the rate of five per centum per annum and maturing on 1st November, 1970; ^{"Bonds of the Commission."}
- (b) "Commission" shall mean The Hydro-Electric Power Commission of Ontario; ^{"Commission."}
- (c) "Corporation" shall mean the corporation of the city of Guelph; and ^{"Corporation."}
- (d) "Railway" shall mean the Guelph Radial Railway including all the assets, undertakings and property of every kind and nature formerly belonging to The Guelph Radial Railway and acquired by the Commission pursuant to an agreement of 8th December, 1920, set out in the schedule to *The Guelph Railway Act, 1921*, and now being operated by the Commission on behalf of the corporation and every improvement, addition and extension thereof and thereto heretofore or hereafter made. ^{1921, c. 22.}

2. The Commission and the corporation may enter into an agreement, in form set out in Schedule A to this Act, to provide for the transfer of the railway from the Commission to the corporation upon a date to be therein named, and for the payment by the corporation to the Commission of the sum of three hundred and twenty-one thousand seven hundred and fifty dollars (\$321,750). ^{Agreement for transfer of railway.}

3. The corporation may, without the assent of the electors qualified ^{By-laws for issue of debentures.}

qualified to vote on money by-laws, pass by-laws for the issue of debentures to raise all or part of the amount required to be paid to the Commission as provided in the said agreement.

When railway vested in corporation.

4. Upon the execution and delivery by the Commission to the corporation of the agreement, mentioned in section 3, the railway shall be vested in the corporation free from all liens, charges and encumbrances whatsoever, and it shall not be necessary therein to particularly describe the property transferred by the said agreement or to conform to or comply with the provisions of any law or statute relating to the transfer of real or personal property.

Registration of Act in general registers.

5. A copy of this Act shall be deposited, copied and registered in the general register of every registry office in which is registered or recorded the title to any land or interest in land which by this Act is vested in the corporation, and every registrar of deeds shall, upon the request of the corporation, enter in the abstract index of each parcel or tract of land which or in which an interest is vested in the corporation as aforesaid, a note, entry or memorandum showing that the same was vested in the corporation on the date of transfer named in the agreement set out in schedule A to this Act, and referring to the registration number in the general register where the said Act has been registered as aforesaid.

Effect of transfer of railway.

6. Upon the transfer of the railway to the corporation under the said agreement as aforesaid, the Commission shall cease to have any further obligations to the corporation under the agreement between the Commission and the corporation dated 8th December, 1920, and all the powers, rights and privileges granted to the Commission under *The Guelph Railway Act, 1921*, shall be terminated.

1921, c. 22.

Disposal of bonds and debentures.

7. The Commission shall, upon receiving from the corporation the said sum of three hundred and twenty-one thousand seven hundred and fifty dollars (\$321,750) pay off and cancel the Commission's bonds amounting to three hundred thousand dollars (\$300,000), and return to the corporation the debentures of the corporation amounting to three hundred thousand dollars (\$300,000) issued and deposited with the Commission as collateral security for the said bonds and the corporation shall thereupon cancel the said debentures and repeal the by-law passed to provide for the issue of the same.

Powers of corporation after transfer of railway.

8. Upon, from and after the transfer of the railway to the corporation, the corporation may exercise all the powers, rights, authorities and privileges that the Commission now has or may exercise in respect of the railway, and the corporation shall also have the right for all time to operate

control, equip, extend, maintain and manage the railway, including busses and other vehicular means of transportation, for the conveyance of passengers to and from points inside or outside of the boundaries of the corporation, but the corporation shall not take, transport or convey goods upon the railway after the 30th day of June, 1939.

9.—(1) The council of the corporation may by by-law establish a commission under the name of "The Guelph Transportation Commission" (hereinafter called the "Transportation Commission") with the powers, rights, authorities and privileges hereinafter set forth.

Corporation
may estab-
lish Trans-
portation
Commission.

(2) The Transportation Commission shall consist of three members, of whom the mayor shall *ex-officio* be one, and the other members shall be appointed or elected in either of the following manners as may be determined by the by-law:—

Number of
Commis-
sioners.

(a) one of the others shall be appointed by the council at its first meeting in each year and shall hold office for two years, and until his successor is appointed, except that when the first appointment is made the council shall appoint two members one of whom shall hold office for one year and the other shall hold office for two years, and if such first appointment be made after the first meeting of council the said terms of one year and two years respectively shall commence from the first meeting of council in the next year; or

(b) the others shall be elected at the same time and place and in the same manner as the mayor and shall hold office for two years and until their successors are elected, one of the first elected members to hold office for two years and the other for one year, the one to hold office for two years to be chosen by lot at the first meeting of the Transportation Commission after the first election.

(3) The said Transportation Commission shall be a body corporate.

Body cor-
porate.

(4) Where a vacancy in the Transportation Commission occurs from any cause the council shall immediately appoint a member who shall hold office for the remainder of the term for which his predecessor was appointed or elected.

Filling
vacancies.

(5) Any member shall be eligible for reappointment or re-election on the expiration of his term of office.

Members
eligible for
re-election.

(6) The members of the Transportation Commission may

Remunera-
tion of Com-
missioners.

be paid such salary or other remuneration as may be fixed by by-law of the council and such salary or remuneration shall form part of the working expenditure of the railway.

Councillors
not eligible
as Com-
missioners

(7) No member of the council except the mayor shall be eligible to be appointed or elected a member of the Transportation Commission.

Transfer of
control to
Transporta-
tion com-
mission.

(8) The council of the corporation may, after the railway has been transferred to the corporation by the Commission, by by-law entrust to the Transportation Commission the operation, control, maintenance and management of the railway.

Powers, etc.
to be exer-
cised by
Transporta-
tion Com-
mission.

(9) Upon such by-law being passed by the council, all the powers, rights, authorities and privileges of the corporation as to the operation, control, maintenance and management of the railway shall be exercised by the Transportation Commission and not by the council of the corporation.

Bus lines.

(10) The council of the corporation may at any time by by-law entrust the construction, control, maintenance, operation and management of lines of motor busses or of any other method of transportation within the powers of the corporation to the Transportation Commission and thereafter all the powers, rights, authorities and privileges of the corporation as to the construction, control, maintenance, operation and management of the transportation so put under the control of the Transportation Commission shall be exercised by the Transportation Commission and not by the council of the corporation.

Powers of
Transporta-
tion Com-
mission.

(11) The Transportation Commission shall, in particular but not so as to restrict its general powers and duties, have the following powers and duties, namely:—

- (a) to construct, control, maintain, operate and manage new lines of transportation in addition to or in extension of existing lines;
- (b) to fix such tolls and fares so that as far as possible the revenue of the Transportation Commission shall be sufficient to make all transportation facilities under its control and management self-sustaining, after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper; and
- (c) to make requisitions upon the council for all sums of money necessary to carry out its powers and duties, but nothing herein contained shall divest the council

of its authority with reference to providing the money required for such works, and when such money is provided by the council, the treasurer of the municipality shall upon the certificate of the Transportation Commission pay out to it any money so provided.

(12) Immediately after the close of each calendar year the Transportation Commission shall prepare and submit a report to council containing,—^{Annual report.}

- (a) a complete, detailed and certified financial statement of its affairs, including revenue and expense account, balance sheet, and profit and loss statement; and
- (b) a general report of the operations of the Transportation Commission during the year.

(13) The Transportation Commission shall also furnish such information as from time to time may be required by the council.^{Information for council.}

(14) All the books, documents, transactions and accounts of the Transportation Commission shall be audited by the audit department of the corporation and the cost of the audit shall be part of the working expenditure of the railway.^{Audit.}

10. This Act shall come into force on the day upon which it receives the Royal Assent.^{Commencement of Act.}

11. This Act may be cited as *The Guelph Railway Act*,^{Short title.} 1939.

SCHEDULE A

THIS AGREEMENT made the _____ day of _____ 1939,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
(hereinafter called the "Commission")

OF THE FIRST PART

—and—

THE CORPORATION OF THE CITY OF GUELPH, (hereinafter
called the "Corporation")

OF THE SECOND PART.

WHEREAS by The Guelph Railway Act, 1921, the agreement dated 8th December, 1920, between The Municipal Corporation of the City of Guelph, of the first part, The Hydro-Electric Power Commission of Ontario, of the second part and The Guelph Radial Railway Company, of the third part, was declared to be legal, valid and binding upon the said parties thereto;

AND WHEREAS by the said agreement the corporation sold to the Commission all the assets, undertakings and property of every kind and nature belonging to The Guelph Radial Railway Company for a consideration of \$150,000.00 payable, including interest at $4\frac{1}{2}$ per cent. per annum, in instalments of \$11,700.00 in each year for twenty years in half-yearly payments on 1st May and 1st November;

AND WHEREAS the said assets, undertakings and property were vested in the Commission on behalf of the corporation;

AND WHEREAS pursuant to the said Act and agreement the Commission issued bonds to the amount of \$300,000.00 on account of capital cost of extensions, improvements and additional works or equipment for the said railway, which bonds are a charge upon the railway and all the assets, rights, privileges, works, property and effects belonging thereto;

AND WHEREAS the said bonds were purchased by the Commission with its reserve funds at a total price of \$321,750.00 and are now held by the Commission;

AND WHEREAS the corporation has issued and deposited with the Commission debentures of the corporation in the principal amount of \$300,000.00 which debentures are held by the Commission as collateral security for the payment of the said bonds of the Commission;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto have agreed as follows:—

1. Upon payment by the corporation to the Commission of the said sum of \$321,750.00 the Commission will transfer to the corporation the operation and control of, and all right, title and interest in the property vested in the Commission by The Guelph Railway Act, 1921, and all extensions and improvements thereto and all additional works, property and effects acquired, held and used in connection therewith, including, without limiting the generality of the foregoing, all cash and reserve funds held in connection with the said property (which property is herein referred to as the "railway") at midnight on the 30th day of April, 1939, hereinafter referred to as the "time of transfer"; and all accounts shall be adjusted as of the said time.

2. Upon such transfer being made, the agreement dated 8th December, 1920, confirmed by The Guelph Railway Act, 1921, shall be terminated and the Commission shall be free from liability with respect to the remaining instalments payable on the purchase price named therein and neither of the parties hereto shall have any rights or obligations under the said agreement.

3. The Commission will at the time of transfer:

(a) Procure the cancellation of the Commission's bonds amounting to the principal sum of \$300,000.00 issued in respect to extensions, improvements, additional works or equipment for the railway and the discharge of the railway from liability in respect of said bonds;

(b) Return to the corporation all debentures issued by the corporation and deposited with the Commission in the principal sum of \$300,000.00 as collateral security for the aforesaid bonds of the Commission.

(c) Hand over to the corporation all books, records, agreements, statements of account, inventories, plans, drawings, specifications and other documents in the possession or control of the Commission, relating exclusively to the business of the railway or the Commission's operation of same;

(d) Allow the proper representatives of the corporation from time to time to have access to all other such documents in the possession of the Commission which relate partly to the business of the railway and partly to other business of the Commission;

(e) So far as reasonably possible, furnish to the corporation upon the request of and at the expense of the corporation all information in possession and control of the Commission respecting the railway or its operation.

4. From and after the time of transfer the corporation shall be entitled to and will receive and collect all accounts receivable and will pay and discharge all debts, claims and liabilities of the railway whether arising before or after the time of transfer and will assume and perform all agreements and obligations of the Commission in respect of the railway, save and except any liability for claims under The Workmen's Compensation Act arising before the time of transfer, and the corporation will indemnify and save harmless the Commission from all such and from all actions, claims, loss, costs, charges, damages and expenses in connection therewith, except in respect of claims under The Workmen's Compensation Act as aforesaid.

5. The Commission covenants with the corporation that it will execute such further assurances of the said properties as may be requisite; and the Commission covenants with the corporation that it has done no act to encumber the said properties save as aforesaid in respect of the said bonds to the amount of \$300,000.00; and the Commission releases to the corporation all its claims upon the railway. The covenants and releases in this paragraph shall bear the same meaning as if contained in a deed of land expressed to be made in pursuance of The Short Forms of Conveyances Act, or a meaning analogous thereto.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals by the hands of their proper officers in that behalf.

SIGNED, SEALED AND DELIVERED
in the presence of

THE HYDRO-ELECTRIC POWER COM-
MISSION OF ONTARIO.

.....
Chairman.

.....
Secretary.

THE CORPORATION OF THE CITY OF
GUELPH.

.....
Mayor.

.....
Clerk.

CHAPTER 19.

An Act to amend The Highway Improvement Act.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8 of *The Highway Improvement Act* is amended by striking out the word "November" in the third line and inserting in lieu thereof the word "April," so that the said subsection shall now read as follows: Rev. Stat., c. 56, s. 8, subs. 2, amended.

(2) The sums mentioned in clauses *a* to *e* of subsection 1 shall be credited to the Fund annually as of the 1st day of April in each year and shall be computed upon the gross receipts from the sources designated in the said clauses in the next preceding fiscal year. How credits to be made.

2. Section 10 of *The Highway Improvement Act* is repealed. Rev. Stat., c. 56, s. 10, repealed.

3. Section 33 of *The Highway Improvement Act* is amended by striking out the words "and Highways" where they occur in the ninth and twelfth lines respectively, so that the said section shall now read as follows: Rev. Stat., c. 56, s. 33, amended.

33. Where, in the exercise of its powers or in the performance of its obligations under this Act, the corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, improving, protecting from erosion, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Municipal Act*, proceed in the manner provided by *The Public Works Act* in the case of lands taken by the Minister of Public Works for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works, as set out in the said *The Public Works Act* may be exercised Procedure on expropriation of land.
Rev. Stat., co. 266, 54.

and performed in the name of the corporation of the county.

Rev. Stat.,
c. 56,
amended.

4. *The Highway Improvement Act* is amended by adding thereto the following section:

Expropria-
tion of land.

57a.—(1) Where the Minister receives from the Niagara Falls Bridge Commission, a corporation incorporated under the laws of the United States of America by joint resolution of the Senate and House of Representatives in Congress assembled, dated the sixteenth day of June, 1938, referred to in this section as "the Commission", a copy of a resolution of the Commission sealed with the seal and signed by the chairman of the Commission, stating that the Commission requires land or property located in Ontario therein described for the purposes of the Commission or where the Minister deems any land or property necessary for the purposes of the Commission or for the purpose of constructing a highway to connect any bridge of the Commission, or any approach thereto, with any highway, the Minister may, without the consent of the owner thereof, authorize the Commission and his or its agents, representatives, employees and servants, or any of them, to enter upon such land or property and may take and expropriate such land and property in the same manner as he may take and expropriate land or property which he may deem necessary for the use or purposes of the Department.

Application
of Rev. Stat.,
c. 54,
ss. 8 to 38.

(2) The provisions of this Act relating to the entering upon, taking, expropriating and acquiring and disposing of and compensation for land and property required for the purposes of the Department and sections 8 to 38 of *The Public Works Act* shall apply *mutatis mutandis* to the entering upon, taking, expropriating and acquiring and disposing of and compensation for land and property so taken and expropriated.

Power to
sell, etc.,
land and
property.

(3) Where the Minister has acquired land or property under this section for the purposes of the Commission, he may sell, transfer or convey such land and property to the Commission, or to any person whom the Commission may direct, on such terms and subject to such conditions as he may deem proper.

Rev. Stat.,
c. 56, s. 74,
subs. 3,
amended.

5. Subsection 3 of section 74 of *The Highway Improvement Act* is amended by adding at the end thereof the following

words "provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of such horses, cattle, swine or sheep running at large within the limits of the King's Highway," so that the said subsection shall now read as follows:

- (3) Every person who being the owner of horses, cattle, swine or sheep, suffers or permits the same or any of them to run at large within the limits of the King's Highway, shall be guilty of an offence and shall incur a penalty not exceeding, for every horse found at large upon the highway, \$5; for every head of cattle found at large upon the highway, not more than \$3; and for every hog, sheep or goat found at large upon the highway, not more than \$1; provided that this subsection shall not create any civil liability on the part of the owner of horses, cattle, swine or sheep for damages caused to the property of others as a result of such horses, cattle, swine or sheep running at large within the limits of the King's Highway.

Horses,
cattle, etc.,
on highway.

Proviso.

6. Section 75 of *The Highway Improvement Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 56, s. 75,
amended.

- (2a) No action shall be brought against the Department for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard-rail, railing or barrier or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or upon the highway lands or any part thereof not within the travelled portion of such highway.

Insufficiency
of fence,
etc.

7. *The Highway Improvement Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 56,
amended.

- 79a.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may designate any portion of the King's Highway as a divided highway and all the provisions of this Act relating to the King's Highway as well as the provisions of this section shall apply to every divided highway.

Divided
highway.

- (2) The Lieutenant-Governor in Council may make regulations relating to divided highways,—

- (a) prohibiting or regulating the opening into divided highways of private roads and en-

trances to premises adjoining divided highways;

- (b) prohibiting or regulating the use of divided highways by any type or class of vehicles;
- (c) prohibiting or regulating the erection of buildings or other structures upon or adjacent to highways intersecting or running into divided highways for a distance of six hundred feet from the divided highways;
- (d) prohibiting or regulating the erection of power lines or other pole lines upon or within one quarter of a mile of any divided highway and the provisions of any regulations made under the authority of this clause shall apply notwithstanding any provision of any other general Act or any special Act heretofore passed by this Legislature; and
- (e) generally for the better carrying out of the provisions of this Act relating to divided highways.

Penalty.

- (3) Every person who violates any of the provisions of the regulations made under the authority of this section shall be liable to a penalty of not less than \$1 and not more than \$100 recoverable under *The Summary Convictions Act*, and the continuance of the condition constituting such violation for each week after a conviction therefor shall be deemed to be a further violation.

Rev. Stat.,
c. 136.

Closing
roads.

- (4) Subject to the approval of the Board, the Department may close any county, township or other road which intersects or runs into a divided highway.

Notice of
application
for approval.

- (5) The Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such times, in such manner and to such persons as the Board may determine and upon the hearing of such application the Board may make such order as it deems proper refusing its approval or granting approval upon such terms and conditions as it deems proper.

Order of
Board.

- (6) Any order of the Board approving of the closing of a road may contain provisions,—
 - (a) determining the point or points at which such road shall be closed;

- (b) providing for the compensation of persons injuriously affected by the closing of the road,—
- (i) by the payment of damages by the Department to any of such persons;
 - (ii) by the providing of another road for the use of any of such persons;
 - (iii) by the vesting of any portion of the road allowance of the road so closed in any of such persons notwithstanding the provisions of any other Act; and
 - (iv) in such other manner as it may deem proper;
- (c) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (d) providing for the doing of such other acts as in the circumstances it deems proper.
- (7) Upon the approval of the Board being so obtained, ^{Closing road.} but subject to the provisions of the order of the Board made on the application for such approval, the Department may do all such acts as may be necessary to close the road in respect of which the application is made.
- (8) Any person who claims to be injuriously affected by ^{Appeal.} the closing of a road may, by leave of the Court of Appeal, appeal to that Court from any order of the Board approving the closing of such road, and the Department may, upon like leave, appeal from any order of the Board made on an application under this section.
- (9) The leave may be granted on such terms as to the ^{Leave to appeal.} giving of security for costs and otherwise as the Court may deem just.
- (10) The practice and procedure as to the appeal and ^{Practice and procedure on appeal.} incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court and the decision of the Court of Appeal shall be final.
- (11) Section 103 of *The Ontario Municipal Board Act* ^{Rev. Stat., c. 60, s. 103, not to apply.} shall not apply to any appeal under this section.

"Board", —
meaning of.

(12) In this section "Board" shall mean Ontario Municipal Board.

Rev. Stat.,
c. 56,
amended.

8. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART VA.

DEVELOPMENT ROADS

Develop-
ment road, —
designation
of;

79b. The Lieutenant-Governor in Council upon the recommendation of the Minister may designate as a "Development Road" any road or proposed road in any part of a provisional judicial district or provisional county not within an organized municipality, which he may deem it expedient to improve or construct to promote or maintain settlement or development in any such part of Ontario.

Construction
of.

79c. The Department may undertake the construction and improvement of any development road and in respect to any such road the Minister shall have and may exercise all the powers conferred upon him by Part V, and Part V shall apply *mutatis mutandis* to development roads.

Rev. Stat.,
c. 56, s. 80,
subs. 3,
amended.

9. Subsection 3 of section 80 of *The Highway Improvement Act* is amended by inserting after the word "regulation" in the first line the words "or any regulation made under subsection 5 of section 71," so that the said subsection shall now read as follows:

Penalty for
contraven-
tion.

(3) Any person contravening any such regulation or any regulation made under subsection 5 of section 71, or destroying or defacing any sign, sign board, notice or advertising device lawfully authorized under this Act, shall incur a penalty of not less than \$1, nor more than \$100, in addition to the value of the property injured or destroyed, to be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Commence-
ment of
ss. 5 and 6.

10. Section 5 of this Act shall come into force on the day upon which it receives the Royal Assent and section 6 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Highway Improvement Amendment Act, 1939*.

CHAPTER 20.

An Act to amend The Highway Traffic Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Highway Traffic Act*, as amended by Rev. Stat., c. 288, s. 1, is amended. section 2 of *The Highway Traffic Amendment Act, 1938*, is further amended by adding thereto the following subsection:

- (3) Where any light is required by any provision of this Lights. Act to be visible for a specified distance such requirement shall be deemed to apply during the times indicated in such provision upon level ground and under normal atmospheric conditions.

2.—(1) Subsection 4 of section 10 of *The Highway Traffic Act* Rev. Stat., c. 288, s. 10, is amended. is amended by striking out the word "three" in the subs. 4, second line and inserting in lieu thereof the word "four" and by striking out the word "commercial" in the third line, so that the said subsection shall now read as follows:

- (4) No motor vehicle shall carry on the front thereof Strength of front lamps. more than four lighted lamps of over four candle power, and additional lights displayed on the front of vehicles to distinguish the width or class of such vehicle shall be green in colour only and of not more than four candle power.

(2) The said section 10 is further amended by adding Rev. Stat., c. 288, s. 10, is amended. thereto the following subsections:

- (5a) Whenever on a highway after dusk and before dawn Identification lamps. every motor vehicle or combination of vehicles having a length in excess of thirty feet or a width in excess of eighty inches shall carry three lamps displaying green lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the vehicle or combination of

vehicles as the permanent structure of the vehicle permits and shall be visible for distances of five hundred feet from the front and rear respectively of the vehicle or combination of vehicles.

Side marker
lamps.

- (5b) Whenever on a highway after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of twenty feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of five hundred feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of five hundred feet from the left side of the vehicle or combination of vehicles, it shall not be necessary to carry side marker lamps as required by this subsection, on the left side of the vehicle.

Rev. Stat.,
c. 288, s. 10,
subs. 13,
re-enacted;
subs. 14,
repealed.

- (3) Subsections 13 and 14 of the said section 10 are repealed and the following substituted therefor:

Regulations
as to lights.

- (13) The Lieutenant-Governor in Council may make regulations prescribing the type and maximum strength of lights which shall be carried by vehicles, and regulating the location, direction, focus and use of such lights.

Rev. Stat.,
c. 288, s. 10,
subs. 15,
amended.

- (4) Subsection 15 of the said section 10 is amended by striking out the figures and word "13 or 14" in the second line and inserting in lieu thereof the words and figures "or of the regulations made under subsection 13," so that the said subsection shall now read as follows:

Penalty.

- (15) Any person who violates any of the provisions of subsection 12 or of the regulations made under subsection 13 shall incur, for the first offence, a penalty of not more than \$10; for the second offence, a penalty of not less than \$10 and not more than \$25, and for any subsequent offence a penalty of not less than \$25 and not more than \$50, and in addition, his license or permit may be suspended for any period not exceeding sixty days.

3. Subsection 4 of section 15 of *The Highway Traffic Act* is amended by striking out all the words down to and including the words "department or" in the second line and inserting in lieu thereof the words "No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 15,
subs. 4,
amended.

- (4) No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by the Department shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

Prohibition
as to use of
siren horn.

4. Subsection 2 of section 17 of *The Highway Traffic Act* is amended by inserting after the word "vehicle" in the first line and after the word "vehicles" in the second line the words "including load or contents," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 17,
subs. 2,
amended.

- (2) No vehicle, including load or contents, shall exceed the length of thirty-three feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of fifty feet.

Length of
vehicle or
combination
of vehicles.

5. Section 26 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 288, s. 26,
amended.

- (3a) No vehicle shall be driven upon any highway within Burlington Beach at a greater rate of speed than thirty miles per hour.

Speed
limit in
Burlington
Beach.

6. Section 27 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 27,
re-enacted.

- 27.—(1) Every person who drives a motor vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and shall be liable in the case of a first offence to a penalty of not less than \$5 and not exceeding \$50, and in the case of a second or subsequent offence, within one year of the commission of the first offence, to a penalty of not less than \$10 and not exceeding \$100, or to imprisonment for a term not exceeding one month.

Careless
driving.

Penalty.

- (2) Driving a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the vehicle by the driver, shall be deemed to be driving without due care and attention within the meaning of this section.

Crowding
driver's
seat.

Rev. Stat.,
c. 288,
amended. **7.** *The Highway Traffic Act* is amended by adding thereto the following section:

Regulations
re carriage
of explo-
sives.

37a.—(1) The Lieutenant-Governor in Council may make regulations regulating the transportation of explosives and other dangerous articles upon the highway.

Penalty.

(2) Every person who violates the provisions of the regulations made under this section shall be liable to a penalty of not less than \$25 nor more than \$250, or to imprisonment for a term not exceeding three months, or to both.

Rev. Stat.,
c. 288, s. 39,
subs. 2,
cl. h,
subcl. i,
amended.

8. Subclause i of clause h of subsection 2 of section 39 of *The Highway Traffic Act* is amended by striking out the word "approximately" in the ninth line and inserting in lieu thereof the words "not less than," so that the said subclause shall now read as follows:

(i) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

Rev. Stat.,
c. 288, s. 44,
subs. 2,
amended.

9. Subsection 2 of section 44 of *The Highway Traffic Act* is amended by inserting after the word "ride" in the second line the words "or any other thing" and by inserting after the word "from" in the second line the words "or offer to perform any service for," so that the said subsection shall now read as follows:

Soliciting
rides,
offering
services,
prohibited.

(2) No person shall, while on the travelled portion of a highway, solicit a ride or any other thing from or offer to perform any service for the driver or operator of a motor vehicle other than a public vehicle.

Rev. Stat.,
c. 288, s. 56,
subs. 1
(1938, c. 17,
s. 10),
amended.

10. Subsection 1 of section 56 of *The Highway Traffic Act* as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1938*, is amended by inserting after the figure "4" in the second line of clause a, the word and figure "or 8," and by inserting after the words "driven by" in the eighth line of the subsection the words "or under the care or control of," so that the said subsection shall now read as follows:

(1) In the event of,—

Impounding
motor
vehicles.

(a) a conviction under section 23 or 67 of this Act or subsection 4 or 8 of section 285 of the *Criminal Code*; or

(b) a second conviction under section 45; or

(c) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by or under the care or control of the person convicted, at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided such motor vehicle was at such time registered in the name of such person, or in the name of the husband, wife, parent or dependant child of such person.

11. Section 57 of *The Highway Traffic Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 288, s. 57,
amended.

(2) Any by-law for regulating traffic on highways which is submitted to the Department for approval may be approved in whole or in part and where part of a by-law is approved, only that part shall become operative. Approval
of traffic
by-law in
whole or
in part.

12.—(1) Subsection 1 of section 78 of *The Highway Traffic Act*, as amended by section 17 of *The Highway Traffic Amendment Act, 1938*, is further amended by adding thereto the following clause: Rev. Stat.,
c. 288, s. 78,
subs. 1,
amended.

(ee) Any offence under subsection 6 of section 285 of the *Criminal Code* if any injury to any person or property occurs in connection therewith. Reckless
driving.

(2) Clause *f* of subsection 1 of the said section 78 is amended by inserting after the word "any" in the first line the word "other," so that the said clause shall now read as follows: Rev. Stat.,
c. 288, s. 78,
subs. 1,
cl. *f*,
amended.

(f) Any other criminal offence involving the use of a motor vehicle. Other crim-
inal offences.

13. Subsection 1 of section 92 of *The Highway Traffic Act* is amended by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$25," so that the said subsection shall now read as follows: Rev. Stat.,
c. 288, s. 92,
subs. 1,
amended.

Cancellation
and return
of security.

- (1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time after three years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of \$25 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

Commence-
ment of
s. 2, subs. 2;

- 14.**—(1) Subsection 2 of section 2 of this Act shall come into force on the 1st day of September, 1939.

s. 12;

- (2) Section 12 of this Act shall be deemed to have been in force from the 1st day of July, 1938.

the Act.

- (3) Except as provided by subsections 1 and 2 of this section, this Act shall come into force on the 1st day of July, 1939.

Short title.

- 15.** This Act may be cited as *The Highway Traffic Amendment Act, 1939*.

CHAPTER 21.

An Act to amend The Industrial Standards Act.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 15 of *The Industrial Standards Act* is amended by striking out the words "in every case, upon conviction" in the ninth line and inserting in lieu thereof the words "if convicted for failing to pay the minimum rate of wages prescribed by any schedule applicable to him," so that the said subsection shall now read as follows:

- (1) Any employer who contravenes the provisions of any schedule applicable to him shall be guilty of an offence and for a first offence shall be liable to a fine of not less than \$25 and not exceeding \$100, and in default of payment to imprisonment for a term not to exceed two months, and for a second and any subsequent offence shall be liable to a fine of not less than \$50 and not exceeding \$500, and in default of payment to imprisonment for a term not to exceed six months, and if convicted for failing to pay the minimum rate of wages prescribed by any schedule applicable to him shall be ordered to pay to the Board as an additional penalty the full amount of the wages then found to be unpaid to any employee under the provisions of the schedule.

2. Section 18 of *The Industrial Standards Act* as amended by section 9 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

18. Any schedule made pursuant to the provisions of this Act shall not be applicable to the mining industry nor to the agricultural industry nor to any other business, calling, trade, undertaking or work exempted by the regulations.

3. This Act may be cited as *The Industrial Standards Amendment Act, 1939*.

CHAPTER 22.

An Act to amend The Insurance Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 104 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 104, re-enacted.

104. A contract may be renewed by the delivery of a renewal receipt, identifying the policy by number, date or otherwise, or a new premium note. Renewal of contract.

2. Section 211 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 256, s. 211, amended.

(2) A contract may be renewed by the delivery of a renewal receipt, identifying the policy by number, date or otherwise. Renewal of contract.

3. Section 214 of *The Insurance Act* is repealed and the following substituted therefor: Rev. Stat., c. 256, s. 214, re-enacted.

214. Where a policy of accident insurance is issued in the form of a ticket through the agency of a transportation corporation, the statutory conditions set out in section 212 need not be printed on the ticket if such policy contains the following notice printed in conspicuous type: "This policy is subject to the statutory conditions respecting contracts of accident insurance." Ticket policy.

4. Paragraph 1 of section 227 of *The Insurance Act* is amended by inserting after the word "America" in the second line the words "or of the American Institute of Actuaries," so that the said paragraph shall now read as follows: Rev. Stat., c. 256, s. 227, par. 1, amended.

1. "Actuary" means a Fellow of the Actuarial Society of America, or of the American Institute of Actuaries, or of the Institute of Actuaries of Great Britain,

or of the Faculty of Actuaries in Scotland, provided, however, that an actuary who, for a period of not less than five years preceding the date of the passing of this Act, has been serving a licensed fraternal society transacting business in Ontario on the said date as its actuary, and who has been in active practice as an actuary for a period of not less than twenty-five years prior to the said date, may for the purpose of this Act, with the consent of the Superintendent, be continued as an actuary of any such society by which at the said date he is employed as actuary.

Rev. Stat.,
c. 256, s. 281,
subss. 16,
17, re-
enacted.

5. Subsections 16 and 17 of section 281 of *The Insurance Act* are repealed and the following substituted therefor:

Salaried
officials,
etc., acting
without
license.

(16) Unless the Superintendent otherwise directs, an officer or salaried employee of a licensed insurer who does not receive commissions, or an attorney or salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney, or a salaried employee of a licensed agent or broker who does not receive commissions and who acts only in the name and on behalf of such licensed agent or broker may, without a license, act for such insurer, exchange, agent or broker in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer, exchange, agent or broker may lawfully undertake, provided that officers or employees whose applications for licenses as insurance agents have been refused or whose licenses have been revoked or suspended, may not so act without the written approval of the Superintendent, and provided further that in the case of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a license.

Licensing of
transporta-
tion ticket
agents.

(17) Notwithstanding anything contained in this Act, the Superintendent may issue a license to a transportation company authorizing it, by its employees in the province to act as an agent for a licensed insurer with respect to accident insurance and such other classes of insurance as he may approve.

Regulations.

(17a) The license shall be subject to such regulations as the Lieutenant-Governor in Council may prescribe with respect to the form of the certificate, the terms and conditions under which it is issued, and the

circumstances under which it may be suspended or cancelled.

6. Section 1 of this Act shall come into force on a day to be ^{Commence-}
named by the Lieutenant-Governor by his Proclamation. ^{ment of s. 1.}

7. This Act may be cited as *The Insurance Amendment* ^{Short title.}
Act, 1939.

CHAPTER 23.

An Act to amend The Judicature Act.

Assented to April 14th, 1939, except sections 1 and 2.

Sections 1 and 2 assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 16 of *The Judicature Act* is amended by adding thereto the following subsections: Rev. Stat., c. 100, s. 16, amended.

(2a) An action may be brought in the Supreme Court by or on behalf of the Attorney-General for an injunction or mandamus restraining the publication of any newspaper, publication, pamphlet, magazine, periodical or other printed matter whatsoever containing any writing, article or picture tending to insult, degrade, revile or expose to hatred, contempt, ridicule or mockery His Majesty or any member of the Royal Family. Actions restraining publication of articles or pictures insulting His Majesty.

(2b) The Court may in addition to making such order require the defendant to enter into a recognizance in such sum and during such term as the Court may require to carry out the terms of such order and to refrain from the publication of any writings or articles of a like nature. Recognizance.

(2c) Upon the making of such order the Attorney-General may cause a copy thereof to be served personally upon any person, and if such person after such service publishes any such article or writing he shall be liable for contempt to the same extent as if he were a party to the proceedings. Service of order.

(2) Subsection 3 of the said section 16 is repealed and the following substituted therefor: Rev. Stat., c. 100, s. 16, subs. 3, re-enacted.

(3) An action under subsection 2 or 2a may be brought against anyone printing, publishing or distributing any publication of the kind mentioned in subsection 2 or 2a. Against whom action may be brought.

Rev. Stat.,
c. 100, s. 16,
subs. 4,
re-enacted.

(3) Subsection 4 of the said section 16 is repealed and the following substituted therefor:

Power of
judge.

(4) In any action brought under subsection 2, 2a, or 3 the judge may on such material as he sees fit grant an interlocutory injunction or mandamus.

Rev. Stat.,
c. 100,
amended.

2. *The Judicature Act* is amended by adding thereto the following section:

Excluding
public from
court.

76a. When the judge presiding at the hearing or trial of any cause or matter deems it to be in the interest of public decency and morals, he may order that the public shall be excluded from the court.

Rev. Stat.,
c. 100, s. 102,
subs. 4,
amended.

3. Subsection 4 of section 102 of *The Judicature Act* as amended by subsection 4 of section 6 of *The Judicature Amendment Act, 1938*, is further amended by adding at the end thereof the words "or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Accountant shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*", so that the said subsection shall now read as follows:

Invest-
ments.

(4) Any money which is available for investment shall be invested in securities issued by the Province of Ontario or in securities the payment of which is guaranteed by it or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Accountant shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Rev. Stat.,
c. 72.

Commence-
ment of
section 3.

4. Section 3 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

5. This Act may be cited as *The Judicature Amendment Act, 1939*.

CHAPTER 24.

An Act to amend The Law Society Act.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43 of *The Law Society Act* is amended by adding thereto the following clauses: Rev. Stat., c. 221, s. 43, amended.

- (c) the opening and keeping by barristers and solicitors of accounts for clients' money at banks, Province of Ontario Savings Offices or other institutions authorized to receive deposits; Accounts for clients' money.
- (d) the keeping by barristers and solicitors of accounts and records containing proper particulars and information as to moneys received, held, or paid by them for or on account of clients; Particulars as to money received.
- (e) inquiries or investigations by the benchers or a committee of their number or any other persons for the purpose of ascertaining whether the rules and regulations of the Society are being complied with; Inquiries; investigations.
- (f) the effect of non-observance of any of the rules or regulations passed under clauses *c*, *d* and *e* and in what cases such non-observance by any barrister or solicitor shall amount to professional misconduct; and Non-observance of rules.
- (g) the payment to the Society by any barrister or solicitor of the cost of any inspection or audit of his books and accounts in the event that the rules and regulations of the Society in relation thereto, or in relation to the opening and keeping of accounts for clients' moneys at banks, Province of Ontario Savings Offices or other institutions authorized to receive deposits, have not been complied with. Cost of inspection or audit.

2. Section 44 of *The Law Society Act* is amended by adding thereto the following subsection: Rev. Stat., c. 221, s. 44, amended.

Expenses
of investi-
gations.

- (2) In addition to or as an alternative for any other penalty, a barrister or solicitor who is found guilty of professional misconduct or conduct unbecoming a barrister or solicitor under the provisions of this section may be ordered by the benchers to pay the expense, or part of the expense, incurred by the Society in the investigation of any charge or charges in respect of which he shall have been found guilty and any sum or sums so ordered to be paid may be recovered by the Society by order of the Supreme Court of Ontario, to be made on summary application.

Short title.

3. This Act may be cited as *The Law Society Amendment Act, 1939*.

CHAPTER 25.

An Act to amend The Limitations Act.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Clause *k* of subsection 1 of section 48 of *The Limitations Act* is repealed and the following substituted therefor: Rev. Stat., c. 118, s. 48, subs. 1, cl. *k*, re-enacted.
- (*k*) an action upon a covenant contained in an indenture of mortgage or any other instrument made on or after the 1st day of July, 1894, to repay the whole or part of any moneys secured by a mortgage, within ten years after the cause of action arose or within ten years after the date upon which the person liable on the covenant conveyed or transferred his interest in the mortgaged lands, whichever is later in point of time.
- (2) Subsection 1 of the said section 48 is further amended by adding thereto the following clause: Rev. Stat., c. 118, s. 48, subs. 1, amended.
- (*kk*) an action by a mortgagee against a grantee of the equity of redemption under section 17*a* of *The Mortgages Act*, within ten years after the cause of action arose. Rev. Stat., c. 155.
- 2.** Section 53 of *The Limitations Act* is amended by adding thereto the following subsection: Rev. Stat., c. 118, s. 53, amended.
- (2) In the case of an action upon a covenant contained in an indenture of mortgage made on or after the 1st day of July, 1939, or upon a covenant contained in any instrument made on or after the 1st day of July, 1939, to pay the whole or part of any moneys secured by a mortgage, this section shall not apply to part payments on the mortgage made by a person other than the person liable on the covenant or to acknowledgments in writing signed by any person other than the person liable on the covenant. Application of section.
- 3.** This Act may be cited as *The Limitations Amendment Act, 1939.* Short title.

CHAPTER 26.

An Act to amend The Liquor Control Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Liquor Control Act* is amended by adding thereto the following subsection,— Rev. Stat., c. 294, s. 5, amended.

(2) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by the said Act for sitting and voting as a member of the Assembly. Seat in Assembly not vacated. Rev. Stat., c. 12.

2 Subsection 2 of section 72 of *The Liquor Control Act* is amended by striking out the word "is" in the first line and inserting in lieu thereof the word "in," so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 72, subs. 2, amended.

(2) The Board in issuing authorities for the sale of beer in authorized premises shall in every authority issued specify the rooms or places therein to which the sale, serving and consumption of beer shall be restricted and confined. Sale of beer in specified places only.

3. Section 1 of this Act shall come into force on the day upon which it receives the Royal Assent. Commencement of section 1.

4. This Act may be cited as *The Liquor Control Amendment Act, 1939*. Short title

CHAPTER 27.

An Act to amend The Mining Act.

*Assented to April 14th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Mining Act* is amended by adding thereto the following subsections: Rev. Stat., c. 47, s. 29, amended.

- (5) Upon the recommendation of the Minister, the Lieutenant-Governor in Council may, before the 31st day of March in any year, extend the time for renewing licenses for any period not exceeding ten days. Extension of time for renewal of license.
- (6) The Minister may renew the license of any person who has held a miner's license continuously for twenty-five years or more without the payment of the prescribed fee providing application therefor is made to him prior to the expiration of the last renewal. Renewal of license by Minister.

2. Clause *d* of section 39 of *The Mining Act* is amended by inserting after the word "Forests" in the first line the words "or the Minister of Highways" and by inserting after the word "power" in the third line the words "or for a highway," so that the first two lines and clause *d* of the said section shall now read as follows: Rev. Stat., c. 47, s. 39, cl. d, amended.

39. No mining claim shall be staked out or recorded on any land— Lands upon which mining claim may be staked out.

.

- (*d*) where the Minister of Lands and Forests or the Minister of Highways certifies that land is required for the development of water power or for a highway or for some other purpose in the public interest and the Minister of Mines is satisfied that a discovery of mineral in place has not been made thereon.

3. Section 47 of *The Mining Act* is amended by adding thereto the following subsections: Rev. Stat., c. 47, s. 47, amended.

Where pay-
ment for
rental in
arrears.

- (3) Where payment of the amounts payable for rental under the provisions of any lease issued under this section is in arrears for a period of not less than two years, the Minister may, by an instrument in writing signed by him and in such form as he may prescribe, terminate such lease and upon the execution by the Minister of such an instrument, such lease and all rights and powers therein contained as well as all rights and claims of the lessee, his successors or assigns in or to the lands covered by the lease shall cease and such lands shall be vested in the Crown.

Notice of
termination.

- (4) Delivery of an instrument terminating a lease shall not be required but notice of such termination shall forthwith be sent to the mining recorder for the mining division in which the lands covered by the lease are situate and to the local master of titles at the land titles office in which instruments affecting the lands covered by the lease may be registered and such officials shall make a record of such notice upon the records of their offices relating to the title to such lands.

Where lease
terminated.

- (5) Where any lease is terminated under subsection 3 the lands covered by such lease shall not be open for prospecting, staking out or leasing until reopened by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 47, s. 53,
re-enacted.

4. Section 53 of *The Mining Act* is repealed and the following substituted therefor:

Number of
claims per
licensee.

- 53.—(1) A licensee shall not in any one license year in any one mining division or in territory not included in a mining division, stake out or apply for more than nine mining claims.

In whose
name
staked.

- (2) All nine of such mining claims may be staked on his own license but not more than three of such claims shall be staked on behalf of any other licensee, nor shall a total of more than six of such claims be staked on behalf of other licensees.

Rev. Stat.,
c. 47, s. 55,
subs. 1,
amended.

5. Subsection 1 of section 55 of *The Mining Act* is amended by striking out the words "and pays to the recorder a fee of \$20" in the fourteenth and fifteenth lines, so that the said subsection shall now read as follows:

Forfeiture
of right to
further
staking.

- (1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any land open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or

partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the recorder in writing of such staking out, partial staking out or planting, placing or marking and of his abandonment thereof and satisfies the recorder by affidavit that he acted in good faith and for no improper purpose and procures from him a certificate stating that the recorder is satisfied that he so acted.

6.—(1) Subsection 3 of section 57 of *The Mining Act* is amended by adding at the end thereof the words "and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, upon the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 47, s. 57,
subs. 3,
amended.

- (3) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the licensee who staked out the claim, showing the date of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit, and an applicant for a free grant shall also file an affidavit in the prescribed form showing his right thereto, and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, upon the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled.

Affidavit
to accom-
pany map.

(2) The said section 57 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 47, s. 57,
amended.

- (3a) Where a complaint is made to the Minister by any person that any misstatement is made respecting

Investiga-
tion of
complaint.

buildings, clearing or improvements in the affidavit furnished to the recorder under subsection 3, the Minister may request the Judge to investigate such complaint and report to him and upon any such investigation the Judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases.

Rev. Stat.,
c. 47, s. 68,
subs. 1,
amended.

7. Subsection 1 of section 68 of *The Mining Act* is amended by inserting after the word "machinery" where it occurs in the fourth and eighth lines respectively, the word "and," by striking out the words "and any ore or mineral he may have extracted therefrom" in the fourth and fifth lines, and by striking out the words "or ore" in the eighth line, so that the said subsection shall now read as follows:

Where
claim
abandoned,
cancelled or
forfeited.

- (1) Where the recorded holder of a mining claim abandons the same, or where the claim is cancelled or forfeited under this Act, he may take from the same any buildings, structures, machinery and chattels or personal property within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the Judge, and any such buildings, structures, machinery and property remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario.

Rev. Stat.,
c. 47,
amended.

8.—(1) *The Mining Act* is amended by adding thereto the following section:

Disposal of
sand, gravel
and stone.

- 68a. The staking or recording of a mining claim shall not confer upon the licensee the right to sell or otherwise dispose of any sand, gravel or stone located thereon and all such sand, gravel and stone shall be reserved to the Crown together with the right of access thereto until title to the claim is obtained by patent or lease and until the issue of a patent or lease the Minister may in the public interest and for public purposes use or dispose of any such sand, gravel or stone in such manner and upon such terms and conditions as he may deem proper.

Commence-
ment of
subs. 1.

- (2) The provisions of this section shall apply only to mining claims staked after the date of the coming into force of this section.

Rev. Stat.,
c. 47, s. 78,
subs. 1,
amended.

9.—(1) Subsection 1 of section 78 of *The Mining Act* is amended by striking out all the words after the word "follows" in the eighth line and inserting in lieu thereof the words:

- (a) First period of at least thirty days not later than four months immediately following the recording of the

claim which shall constitute the work required for the first year after date of recording;

- (b) Second period of at least forty days not later than two years after date of recording;
- (c) Third period of at least forty days not later than three years after date of recording;
- (d) Fourth period of at least forty days not later than four years after date of recording;
- (e) Fifth period of at least fifty days not later than five years after date of recording,

so that the said subsection shall now read as follows:

- (1) The recorded holder of a mining claim heretofore or hereafter recorded shall, within five years immediately following the recording thereof, perform or cause to be performed thereon work which shall consist of stripping or opening up mines, sinking shafts or other actual mining operations to the extent of two hundred days' work of not less than eight hours per day, which work shall be performed as follows:

- (a) First period of at least thirty days not later than four months immediately following the recording of the claim which shall constitute the work required for the first year after date of recording;
- (b) Second period of at least forty days not later than two years after date of recording;
- (c) Third period of at least forty days not later than three years after date of recording;
- (d) Fourth period of at least forty days not later than four years after date of recording;
- (e) Fifth period of at least fifty days not later than five years after date of recording.

(2) Subsection 7 of the said section 78 is amended by adding at the end thereof the words "provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims," so that the said subsection shall now read as follows:

- (7) A license holder may perform all the work required

Working conditions on mining claim.
Rev. Stat., c. 47, s. 78, subs. 7, amended.
Work to be performed on claims.

to be performed by him in respect of not more than six contiguous mining claims held by him on one or more of such claims and the report and affidavit to be filed by him in respect of such work shall certify the claim or claims on which the work was performed and the claims upon which it is to be applied; provided that not more than twelve hundred days' work may be performed on any one claim for application on such claim and claims included in groups of contiguous claims.

Rev. Stat.,
c. 47, s. 78,
amended.

(3) The said section 78 is further amended by adding thereto the following subsection:

Work done
before
recording.

(12) Work performed on a mining claim located in those parts of the Territorial District of Kenora (Patricia portion) not included in the Red Lake or Kenora Mining Division, between the date of staking the claim and the date of recording the claim may be reported in the same manner as if it had been performed after the recording.

Rev. Stat.,
c. 47, s. 80,
amended.

10. Subsection 1 of section 80 of *The Mining Act* is repealed and the following substituted therefor:

Extension of
time for
work.

(1) If by reason of pending proceedings or incapacity from illness of the holder of a mining claim, the work is not performed within the prescribed time, the recorder may extend the time for the performance of such work for periods not exceeding three months.

Where extension because
of illness.

(1a) Where such work has not been performed because of the incapacity from illness of the holder of such claim, the recorder may extend the time only upon the production and filing with him of a certificate of a duly qualified medical practitioner indicating that such holder has by reason of illness been rendered incapable of performing such work.

Rev. Stat.,
c. 47, s. 86,
amended.

11. Section 86 of *The Mining Act* is amended by adding thereto the following subsection:

Extension of
time for
performance
of work—
notice.

(3a) Where the Judge or Minister under subsection 1, or the Judge under subsection 3, extends the time for performing the work, the report of the performance thereof shall be made within such extended time.

Rev. Stat.,
c. 47, s. 89,
amended.

12. Section 89 of *The Mining Act* is amended by inserting after the word "holder" in the tenth line the words "and extending the time for performing the work," so that the said section shall now read as follows:

89. Where a licensee in whose name a mining claim has been staked out, dies before the claim is recorded, or where the holder of a claim dies before issue of the patent or lease for the claim, no other person shall, without leave of the Judge, be entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Judge may at any time make such order as may seem just for vesting the claim in the representative of such holder and extending the time for performing the work, notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act.
- Death of licensee before recording claim, or of holder before patent.

13. Subsection 1 of section 95 of *The Mining Act* is amended by striking out the words "regulation made by" in the third line and inserting in lieu thereof the words and figures "section 47 or by regulation of," so that the said subsection shall now read as follows:

Rev. Stat., c. 47, s. 95, subs. 1, amended.

- (1) Upon compliance with the requirements of this Act and upon payment of the purchase price as provided in section 96, or rental fixed by section 47 or by regulation of the Lieutenant-Governor in Council, the holder of a mining claim shall be entitled to a patent or lease, as the case may be, for the claim.
- Right to patent of claim.

14. Subsection 2 of section 96 of *The Mining Act* is amended by adding at the end thereof the words "provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply," so that the said subsection shall now read as follows:

Rev. Stat. c. 47, s. 96, subs. 2, amended.

- (2) Where the area of the mining claim exceeds by more than five acres the prescribed area as defined in sections 50 and 51 and such claim is not reduced in size under the provisions of section 105, the price per acre of such area in excess of the area so prescribed, shall be twice the price provided for in subsection 1, and there shall be performed at least five days' work per acre for such excess area within such time as may be prescribed by the Minister, provided that where there is a group of contiguous claims held by the same licensee, the average area of which does not exceed forty-five acres, the Minister may direct that the provisions of this subsection shall not apply.
- Price to be paid where area exceeds prescribed area.

15. Section 98 of *The Mining Act* is amended by inserting after the word "Algoma" in the second line the word

Rev. Stat. c. 47, s. 98, amended.

"Cochrane" and after the word "Kenora" in the second line the words "Kenora (Patricia Portion)," so that the said section shall now read as follows:

Reservation
for roads in
patents.

98. In all patents for mining claims within the Districts of Algoma, Cochrane, Kenora, Kenora (Patricia Portion), Thunder Bay, Rainy River, Manitoulin, Sudbury and Timiskaming, and that part of the District of Nipissing which lies north of the French River, Lake Nipissing and the River Mattawan, excepting where road allowances have already been provided in a survey made or authorized by the Crown, there shall be a reservation for roads of five per centum of the quantity of land granted and the Crown or its officers may lay out roads on such mining claims where deemed proper.

Rev. Stat.,
c. 47, s. 119,
amended.

16. Section 119 of *The Mining Act* is amended by striking out the words "the Minister or Judge" in the second line and inserting in lieu thereof the words "the Lieutenant-Governor in Council," so that the said section shall now read as follows:

Illness or
absence of
Judge.

119. In case of the illness or absence of the Judge of the Mining Court the Lieutenant-Governor in Council may appoint some other person, being a barrister of at least ten years' standing at the Bar of Ontario, to act in place of the Judge and the person so appointed shall in that case have and exercise all the powers of the Judge except those which he derives exclusively from his appointment under any commission issued to him by the Governor-General of Canada.

Rev. Stat.,
c. 47,
ss. 154, 155,
re-enacted.

17. Sections 154 and 155 of *The Mining Act* are repealed and the following substituted therefor:

Age limit,
hoistmen.

154.—(1) No person under the age of twenty-one years and no person who has not had adequate experience on a reversing hoisting engine shall be allowed to have charge of any hoisting engine at a shaft or winze in which men are handled at any mine.

Idem.

(2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine of any kind at a mine.

Hoistman to
be holder of
medical
certificate.

(3) No person shall operate or be permitted to operate any hoisting engine at a shaft or winze in which men are handled at any mine, or for any other purpose designated by the inspector, unless such person is the holder of a subsisting certificate from a duly qualified medical practitioner to the effect that such person has been examined and that he is not subject to any infirmity, mental or bodily, and that his sight and hearing are not defective to such a degree as to interfere with the efficient discharge of his duties.

- (a) Such certificate shall lapse and be deemed to have expired at the end of one year from the date thereof.
- (4) A record of all such subsisting certificates shall be kept on file by the person in charge of the mining operation and shall be open at all times to examination by the Inspector. Record of subsisting certificates.
155. For the purposes of sections 155a to 155j,— Interpretation.
- (a) "Applicant" shall mean a person who is not the holder of a certificate in good standing, issued under the authority of sections 155c to 155j, who is seeking employment in a dust exposure occupation; "Applicant."
- (b) "Certificate" shall mean initial certificate, extended certificate, endorsed certificate, miner's certificate and renewed certificate; "Certificate."
- (c) "Dust exposure occupation" shall mean employment underground in a mine or employment at the surface of a mine in ore or rock crushing operations where the ore or rock is not crushed in water or in a chemical solution which constantly keeps it in a moistened or wet condition; "Dust exposure occupation."
- (d) "Endorsed certificate" shall mean an initial certificate or extended certificate which has been endorsed under clause *b* of subsection 2 of section 155c; "Endorsed certificate."
- (e) "Extended certificate" shall mean an initial certificate which has been extended under clause *a* of subsection 2 of section 155c; "Extended certificate."
- (f) "Initial certificate" shall mean a certificate issued to an applicant under subsection 1 of section 155c; "Initial certificate."
- (g) "Medical officer" shall mean a medical officer appointed under *The Workmen's Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment; "Medical officer." Rev. Stat., c. 204.
- (h) "Miner's certificate" shall mean a certificate issued under subsection 1 of section 155d; and "Miner's certificate."
- (i) "Renewed certificate" shall mean a miner's certificate which has been renewed under subsection 2 of section 155d. "Renewed certificate."

155a. No person shall be employed in a dust exposure occupation unless he is the holder of a certificate in good standing. Dust exposure occupation,—employment in.

Term of
certificate.

155*b*.—(1) Subject to the provisions of subsection 2 every certificate shall remain in force for not more than twelve months, provided that a medical officer may, at any time, recall the holder of any certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel such certificate in accordance with his finding upon such examination.

Examination
by travelling
medical
officer.

(2) In those portions of the province where the examinations under sections 155*c* and 155*d* are conducted by a travelling medical officer no certificate shall be deemed to have expired because of the failure of the medical officer to conduct any examination prior to the date of expiration of any certificate, and the holder of any certificate which would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.

Expiration
of
certificate.

(3) Where any certificate of a person employed in the mining industry has expired because of the failure of the holder thereof to present himself to a medical officer for examination, a medical officer may extend, endorse or renew such certificate or issue a miner's certificate, as the circumstances of the case may require, if he is satisfied that such failure was caused by the inability of such holder to so present himself because of illness or other circumstances beyond his control.

Examination
before em-
ployment.

155*c*.—(1) Every applicant shall be examined by a medical officer before commencing employment and if the medical officer finds upon examination that the applicant is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall issue to the applicant an initial certificate.

Initial
certificate
holder, —
re-examina-
tion.

(2) The holder of an initial certificate shall, prior to the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from diseases of the respiratory organs and otherwise fit for employment in a dust exposure occupation he shall,—

(a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust exposure occupation, extend such certificate for such period as he may deem necessary to permit the certificate holder to complete twelve months employment in a dust exposure occu-

pation, and he may from time to time extend such certificate for the same purpose; and

- (b) in the case of a holder of an initial certificate or an extended certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, the medical officer shall endorse such certificate.

155d.—(1) The holder of an endorsed certificate shall, Issue of miner's certificate prior to the expiration thereof, present himself to a medical officer for examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs he shall issue to such holder a miner's certificate.

- (2) The holder of a miner's certificate shall, prior to Miner's certificate holder, —re-examination. the expiration thereof, present himself to a medical officer for re-examination and if the medical officer finds upon examination that such holder is free from tuberculosis of the respiratory organs, he shall renew such certificate which may be further renewed from year to year upon the passing of a similar examination.

155e. The holder of any certificate who, for any reason, Unemployed holder of certificate. is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and upon presentation of the holder's certificate the medical officer shall conduct the required examination and effect such extension, endorsement, issuance or renewal as may be warranted by his findings upon such examination.

155f.—(1) Where the holder of an initial or extended Idem; initial or extended certificate. certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed through neglect on his part, to have his certificate extended or endorsed, such certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

- (2) Where the holder of an endorsed certificate or a Idem; endorsed or miner's certificate. miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate shall be void and the holder thereof shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Where un-
employment
exceeds three
years.

- (3) Where the holder of any certificate has been out of employment in the mining industry for a period exceeding three years, he shall be eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

Custody of
certificate.

155g. The manager or superintendent of the mine at which the holder of a certificate is employed may require such certificate to be delivered to and left in the custody of such manager or superintendent during the period of the holder's employment at the mine but such certificate shall be returned to the holder upon the termination of his employment at such mine.

Exemptions.

155h.—(1) The Chief Inspector may exempt from the provisions of sections 155a to 155g any mine or any person employed thereat where, in his opinion the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such provisions should not apply.

Idem.

- (2) The provisions of sections 155a to 155g shall not apply to any person usually employed in a dust exposure occupation for less than fifty hours in each calendar month.

Regulations.

155i. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the nature of the examination to be made by a medical officer under sections 155c to 155f;
- (b) prescribing the forms of certificates and extension, endorsement and renewals thereof; and
- (c) generally for the better carrying out of the requirements of sections 155a to 155h.

Certificate
holder
under Rev.
Stat., c. 47,
s. 155.

155j. Every person who at the date of the coming into force of this section is the holder of a certificate issued under section 155 of *The Mining Act* prior to the enactment of the present Act, shall be entitled to receive a miner's certificate which shall expire upon the expiration date of the first mentioned certificate.

Rev. Stat.,
c. 47, s. 157,
subs. 3,
amended.

18. Subsection 3 of section 157 of *The Mining Act* is amended by inserting after the word "work" in the sixth line the words "of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office," so that the said subsection shall now read as follows:

- (3) Where the Inspector finds that any such fencing is required in order to avoid danger to health or property he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs, with interest thereon, shall be a lien and charge upon the mine or mining work of which notice in such form as the Minister may prescribe may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

19. Subsection 1 of section 158 of *The Mining Act* is repealed and the following substituted therefor:

- (1) It shall be the duty of the chief coroner for every county, provisional judicial district or provisional county in which a fatal accident occurs in or in connection with a mine to hold or cause an inquest to be held.
- (1a) The manager or other person in charge of a mine wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurs.
- (1b) A coroner who is in any way in the employment of the owner or lessee of a mine wherein or in connection wherewith a fatal accident occurs shall be ineligible to act as coroner in connection with such fatal accident.
- (1c) Where a fatal accident occurs in or in connection with a mine at a place which is more readily accessible to a coroner not having jurisdiction in such place than to any eligible coroner having jurisdiction thereat, the chief coroner for the county, provisional judicial district or provisional county in which such place is located may direct such coroner to issue his warrant and conduct an inquest and such direction shall be such coroner's authority therefor.

20. Subsection 1 of section 159 of *The Mining Act* is amended by striking out the words "the Inspector" in the fourth line and inserting in lieu thereof the words "the Chief Inspector upon the recommendation of an Inspector," so that the said subsection shall now read as follows:

- (1) Where the owner, agent or manager of a mine by his application in writing stating his reasons therefor, requests the Inspector to suspend the requirements of any rule under section 160 as to such mine, the Chief Inspector upon the recommendation of an

Inspector, may in writing direct that the requirements of such rule shall not apply to such mine, or may in writing direct that such rule shall not apply so long as such limitations and conditions as he may see fit to impose, are observed or complied with.

Rev. Stat.,
c. 47, s. 160,
re-enacted.

21. Section 160 of *The Mining Act* is repealed and the following substituted therefor:

Rules for
mines.

160. Subject to the provisions of section 159, the following rules shall be observed and carried out at every mine and the decision of the inspector as to whether or not any situation complies with any requirement of the rules in which "suitable," "adequate," "approved" or any expression of like import is used and as to the meaning and application of any such expression shall be final and conclusive and a certificate of any such decision signed by the Inspector may be used as evidence in any court:

Duty as to
knowledge of
rules

(1) It shall be the duty of every manager, superintendent, mine foreman, shift boss, hoistman, deckman, cagetender or skiptender and every person in charge of workmen or who handles explosives, or who operates, installs or has to do with the maintenance of any machinery or electrical apparatus in or about a mine, to know such of these rules as apply to the work in which he is engaged.

Underground
foreman,
knowledge
of English
language.

(2) Every person employed as an underground foreman, meaning thereby one who is exclusively engaged in supervising the work of other men, shall be able to give and to receive and understand orders in the English language.

Other work-
men, knowl-
edge of
English
language.

(3) Every person in charge as a deckman, cagetender or skiptender shall have an adequate knowledge of the English language to enable him to carry out his duties in a thoroughly safe manner.

Suspension
for
unfamiliarity
with
rules.

(4) The Inspector shall have the right to suspend any foreman or mine captain, shift boss or department head who is unfamiliar with or does not understand the rules governing the operation of mines as contained in this Act.

Fire Protection.

Removal of
inflammable
material.

(5) (a) No inflammable refuse shall be allowed to accumulate underground, but shall be removed from the workings at least once a week and be brought to the surface and there disposed of in a suitable manner.

(b) Inflammable refuse shall not be allowed to accumulate in or about any headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

(6) Every shift boss and mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of inflammable refuse underground in the area under his supervision except as reported by him. Certificate as to inflammable refuse.

(7) Oil, grease or other inflammable material shall not be stored in any shafthouse or portalhouse, but it may be permissible, if adequate precautions be taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation. Storage of oil and grease.

(8) Volatile, inflammable liquids shall not be stored in any shafthouse or portalhouse and such material shall not be transported underground except where carried in approved types of metal containers. Volatile inflammable liquids.

(9) Oil and grease kept underground shall be contained in suitable metal receptacles and the amount so kept shall not exceed the requirements for seven days. Oil and grease underground.

(10) All timber not in use in a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein. Unused timber.

(11) Where open flame lights are used at any mine not equipped with a fireproof headframe and shafthouse or portalhouse, the interior of such shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fireproofing material to a height of eight feet. Open flame lights, precautions.

(12) All underground buildings or enclosures necessary for the housing and maintenance of machinery and equipment shall be so constructed as to reduce the fire hazard to a minimum. Fireproofing underground structures.

(13) (a) Calcium carbide shall be stored on the surface only, in a suitable dry place other than the shafthouse or portalhouse or changehouse and in its original unopened container. Storage of carbide.

(b) For the purpose of distributing calcium carbide adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine. Such distribution shall not take place in any shafthouse, portalhouse or changehouse unless such structure is thoroughly fireproof but shall be provided for by the installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

(c) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no

carbide shall be taken underground except in suitable containers.

Fire-fighting equipment.

(14) (a) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse or any other building the loss of which by fire may endanger the mine entrance.

(b) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, shaft and winze stations, pump stations, tipples and underground electrical installations except where in the opinion of the Inspector no fire hazard exists.

Fire protection where torches used.

(15) Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in any headframe, shafthouse, portalhouse, or any other building the loss of which by fire may endanger the mine entrance, or in the underground workings of any mine, suitable measures for protection against fire shall be adopted and rigidly adhered to.

Underground transportation of compressed gases.

(16) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators or manifolds, shall be disconnected from the cylinders and the valves of the cylinders shall be protected in a suitable manner. Any such protective device shall be removed only at the point of use and shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location.

Operation of welding and cutting torches.

(17) (a) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the workman operating the nozzle equipment a second competent operator shall be employed at all times to attend to the operation of the cylinder control devices.

(b) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment.

Generation of gas underground forbidden.

(18) No device for the generation of gas, such as acetylene for supplying, cutting or welding equipment, shall be used in the underground workings of any mine.

Escapement shaft.

(19) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced there shall be provided and maintained, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore extracted, a separate escapement shaft

or opening. Such auxiliary exit shall not be less than fifty feet from the main entrance to the mine and any structure covering such auxiliary exit shall be of such material and so constructed as to reduce the fire hazard to a minimum. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until the same is completed and means of escapement other than the main outlet of the mine provided to and connected with the lowest level on which stoping operations are being carried on. The escapement shaft or opening shall be of sufficient size to afford an easy passageway, and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.

(20) Unless there is first provided a second means of exit from the mine workings, no building shall be erected within fifty feet of any closed-in portion of a headframe or portal-house except that the building housing the hoist and power plant equipment may be erected within this distance provided that such distance be not less than thirty-five feet. Buildings in proximity to mine entrance.

(21) No steam boiler or diesel engine shall be installed in such a manner that any portion thereof is within seventy-five feet of the centre line of the collar of any shaft or other entrance to a mine. Installation of boilers and diesel engines.

(22) No gasoline or other internal combustion engine using highly volatile liquids or inflammable gases shall be installed within fifty feet of the building housing the hoist nor within one hundred feet of the centre line of the collar of any shaft or other entrance to a mine. Installation of internal combustion engine.

(23) Where an internal combustion engine is installed at any mine provisions shall be made for safely conducting the exhaust of such engine to a point well outside the building. The exhaust shall be so arranged as to avert the possibility of fumes re-entering the building or entering the intake of any air compressor or contaminating the atmosphere of any adjacent buildings or the mine workings. Exhaust of internal combustion engine.

(24) (a) Except for the actual fuel tanks of operating equipment no storage of gasoline or liquid fuel, unless in underground tanks, shall be permitted within one hundred feet of the collar of any shaft or other entrance to a mine. The natural drainage from such location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance. Storage and transfer of liquid fuels.

(b) The fuel tanks of any internal combustion engine installed within a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point

outside the building and the fuel is conducted to the tank in a tightly jointed pipe or conduit. Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air shall be conducted to a safe point outside the building before being discharged to the atmosphere.

Transfer of
liquid fuel
by com-
pressed air.

(25) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose.

Legible signs
showing
exits.

(26) Legible signs showing the way to emergency exits shall be posted in prominent places underground and all workmen shall be instructed as to the location of auxiliary exits.

Stench
warning.

(27) (a) Every mine producing over one hundred tons of ore per day and such other mines as may be designated by the Inspector shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the Chief Inspector. Such apparatus shall at all times be made available and kept ready for instant use for the purpose of warning workmen underground of any emergency necessitating a speedy evacuation of the workings.

(b) A test of the effectiveness of the warning and a report as to the functioning of the system shall be made at least once in each year and a report of such test and functioning made available to the Inspector.

Fire doors.

(28) (a) Where practicable, there shall be a sufficient number of fire doors installed underground in every mine to cut off the shaft from the other workings of the mine.

(b) Where fire doors are installed they shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times.

Refuge
stations
within
mines.

(29) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground, he may order refuge stations to be provided and maintained at such places within the mine as he may direct and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station.

Connection
between
mines.

(30) (a) Where the Chief Inspector deems it necessary or advisable for the protection of workmen employed underground he may recommend in writing, to the Minister, that a connection between mines be established at such place as he deems advisable and he may further recommend that such

connection be so made and equipped as to constitute a refuge station or refuge stations. Upon the approval by the Minister of any such recommendation a copy thereof, accompanied by a copy of this rule shall be served personally upon or mailed by registered post to the owner or the agent and the manager of each of the mines affected.

(b) Upon the approval of any such recommendation of the Chief Inspector the Minister may in writing signed by him appoint a committee of three persons who shall determine,—

- (i) the design, specifications and locations of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;
- (ii) the work to be done by each of the mines affected and the proportion in which the cost of such work and of establishing and maintaining the connection shall be borne by the owners of the mines affected;
- (iii) the time at which such work in compliance herewith shall be commenced and completed;
- (iv) the proportion in which the costs and expenses of the committee shall be borne by the owners of the mines affected;
- (v) such other provisions or requirements as in the premises they may deem necessary or advisable.

(c) The committee shall submit a report in writing to the Minister and a report of the majority of the committee shall be deemed to be the finding of the committee.

(d) Upon the approval by the Minister of the report of the committee the Chief Inspector may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any recommended) in accordance with the terms of such report. A copy of the report shall be attached to the order and form a part thereof. No such order shall be subject to appeal upon any ground whatsoever but shall be enforceable in the same manner as any order of the Chief Inspector.

Aid to Injured.

(31) At every mine there shall be maintained a sufficient number of properly constructed stretchers for the proper handling and transporting of persons who may be injured in the discharge of their duties about the mine.

Stretchers
for convey-
ance of
injured
persons.

Supplies for
first aid.

(32) There shall be provided and maintained at every mine for the treatment of anyone injured such first aid supplies as are required by the regulations of *The Workmen's Compensation Act*.

Handling Water.

Removal of
water from
mine work-
ings.

(33) Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of workmen in such mine or in any adjoining mine.

Precautions
against flow
of water.

(34) Where there is or may be an accumulation of water, any working approaching the same shall have bore holes kept in advance, and such additional precautionary measures shall be taken as may be deemed necessary to obviate the danger of a sudden breaking through of the water.

Dams and
bulkheads.

(35) (a) For the purposes of this subsection—

“Dam” shall mean any structure built for the purpose of impounding water in any drift, crosscut or other mine opening and constructed in such a manner as to permit an unobstructed overflow of the water.

“Bulkhead” shall mean any structure built for the purpose of impounding water or confining air under pressure in any drift, crosscut or any other mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening.

(b) The location of every underground dam and bulkhead, within the meaning of this subsection, shall be clearly shown on the mine plans.

(c) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

(d) No bulkhead shall be constructed underground without the written permission of the Chief Inspector and then only when constructed in accordance with plans and specifications which have been approved by him.

Ventilation.

Ventilation.

(36) (a) The ventilation in every mine shall be such that the air in all of its workings that are in use or are to be used

by workmen or others shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in any such mine. In any mine workings where such conditions cannot be obtained by natural ventilation approved means for mechanical ventilation shall be provided and kept in operation until such workings have been abandoned or until satisfactory natural ventilation shall have been brought about therein.

(b) All fans and all structures containing the same shall be of fireproof construction.

(37) No internal combustion engine shall be installed or operated underground in any mine unless the permission in writing of the Chief Inspector be first obtained.

Internal
combustion
engine,
under-
ground.

Sanitation.

(38) The manager of a mine shall provide or cause to be provided on the surface and in the underground workings sufficient and suitable sanitary conveniences in accordance with the following rules:

Sanitary
conven-
iences.

- (a) Where the number of persons employed on any shift does not exceed one hundred there shall be one sanitary convenience for every twenty-five persons or portion thereof;
- (b) Where the number of persons so employed exceeds one hundred there shall be one additional sanitary convenience for every fifty persons or portion thereof over the first hundred.

(39) These sanitary conveniences shall be kept in a cleanly manner; shall be adequately supplied with chloride of lime, sawdust, fine ash or other suitable absorbent; shall be removed and cleaned regularly; shall be conveniently placed with reference to the number of men employed on the different levels; and shall be placed in a well-ventilated part of the mine.

Maintenance
of conveni-
ences.

(40) Any person depositing faeces in any place underground other than in the sanitary conveniences provided shall be guilty of an offence against this Act.

Offence.

(41) If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of clean cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room, boiler room, or nearer than fifty feet to the shafthouse or portalhouse, for enabling the persons employed in the mine to conveniently dry and change their clothes.

Dressing
room.

Care and Use of Explosives.

Marking
explosive
packages.

(42) No explosive shall be used at any mine, unless there is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength of the explosive and the date of its manufacture.

Defective
explosives
to be
reported

(43) Every case of supposedly defective fuse, detonator or blasting cap, or explosive shall be reported to the Inspector with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of such fuse, blasting cap or detonator, or explosive, along with all other pertinent information available.

Storage of
explosives.

(44) Except as otherwise provided herein all explosives and all detonators or blasting caps shall be stored in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses.

(a) No such building shall be erected or maintained at any mine except with the written permission of an Inspector, nor until the site of the building and the style of structure has been approved by him.

(b) Where possible, every such building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or works or any other buildings or any public highway or public railway. Where conditions are such that it is impossible to locate such buildings in accordance with the British Table of Distances, the mine manager and the Inspector shall jointly choose the most suitable location.

(c) Every such building shall be constructed of such materials as to ensure as far as possible against accident from any cause.

(d) The rules in reference to the care and use of explosives shall be kept posted up inside every such building.

(e) Every such building shall be kept securely locked at all such times as the attendant is not present and it shall be clearly indicated by some easily visible sign posted outside the building that explosives are stored therein.

Magazines,
thaw houses,
etc.

(45) Magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses and explosives storage boxes shall at all times be kept clean and dry and free from grit.

(46) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent whenever necessary to remove any traces of explosive substances. Floors and shelves.

(47) When supplies of explosives are removed from a magazine those that have been longest in the magazine shall be used first provided they are not defective. In all cases where explosives have become defective they shall be suitably and safely disposed of. What explosives to be used first.

(48) Only implements of wood, brass or copper shall be used in opening cases containing explosives. Opening cases.

(49) (a) Explosives shall not be stored underground in excess of the necessary supply for forty-eight hours. In no case shall an amount exceeding three hundred pounds be stored in any one place underground without the written permission of the Inspector. Storage of explosives underground.

(b) With the written permission of the Chief Inspector and subject to such conditions as he may prescribe, underground explosives magazines may be established, but in no case shall more than twenty-five hundred pounds be stored in any one such magazine.

(c) Wherever explosives are stored underground in any mine heading into which a haulage track extends suitable barricades shall be maintained or other adequate measures adopted to avert the possibility of any train or car colliding with the explosives container or containers.

(50) No explosive shall be stored within two hundred feet of any shaft station or transformer station underground in any mine. Location of underground storage place.

(51) (a) Detonators or blasting caps shall not be stored in the same receptacle or storage building as other explosives. Storage of detonators.

(b) Detonators or blasting caps or capped fuse, while stored in underground workings, shall be kept in separate, suitable, closed containers or magazines. Such containers or magazines shall not be located within twenty-five feet of any other explosives.

(52) (a) No flame-type light shall be taken within twenty-five feet of any building or place on surface in which explosives are stored. Flame-type lights; smoking.

(b) No flame-type light shall be taken within ten feet of any place underground where explosives are stored unless a suitable, safe arrangement for the placing of such light is provided.

(c) No person shall smoke in any place or building where explosives are stored or while handling explosives.

Inspection
of storage
places.

(53) (a) A properly authorized person or persons shall make a thorough weekly inspection of all explosives, explosives magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine used for the purpose of storing explosives or detonators or blasting caps and shall make a report, in writing, to the manager stating that such examination has been made and certifying as to the conditions found.

(b) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives existing and shall make a prompt investigation when an act of careless placing or handling of explosives is discovered by or reported to him.

(c) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the county or district in which the mine is situate.

Disposal of
explosives at
shut-down
mine.

(54) When any mine is closed down all explosives, fuse and detonators or blasting caps shall be disposed of and no explosive may be stored at any such closed-down mine without the written permission of the Chief Inspector.

Written
permission.

(55) No person shall take away from any mine any explosive, fuse or detonator or blasting cap without the written permission of the manager or of such person as may be authorized by the manager to give such permission.

Thawing
houses.

(56) No building for thawing explosives shall be maintained in connection with any mine except with the written permission of an Inspector. The building shall be above ground, unless exemption obtained under the provisions of subsections 1 and 2 of section 159 direct otherwise, and the site of the building and the style of structure and equipment shall be subject to the approval of the Inspector. The building shall be under the direction of the manager or some person authorized by him. The quantity of explosives brought into any thawing house at any one time shall not exceed the requirements of the mine for a period of twenty-four hours, plus the amount that it may be necessary to have thawing to maintain that supply.

Thermom-
eter
necessary.

(57) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof

kept, but where the amount of explosives in such thawing room does not exceed two hundred pounds at any one time, the Inspector may give permission, in writing, to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperature be made and kept on file.

(58) In no case shall powder be thawed near an open fire or steam boiler or by direct contact with steam or hot water. Thawing near open fire or steam boilers forbidden.

(59) All electric wiring in explosives magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses shall be installed in metal armour or rigid conduit with screwed, waterproof joints and all metal armour or rigid conduit shall be permanently grounded. Wiring in storage places.

(60) (a) The switches and fuses for lighting, heating or telephone circuits for explosives magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be installed in a locked, fireproof cabinet located outside the compartment in which explosives, fuse or detonators or blasting caps are stored. Switches, fuses.

(b) The fuses or circuit breakers for heating circuits shall be such that they will interrupt the current at twenty-five per centum over the normal load.

(c) The fuses for lighting circuits shall not exceed ten-ampere capacity.

(61) (a) Where water is the medium used for the distribution of electrically generated heat for thaw houses the radiation pipes shall be permanently grounded. Electric heating.

(b) No electrical device for generating heat shall be allowed in the same compartment with explosives or detonators or blasting caps.

(c) Wire or grid-type heaters shall not be installed in conjunction with any building in which explosives or detonators or blasting caps are stored or handled.

(62) (a) When the day's supply of explosives is being transported in any shaft conveyance the person in charge of such operation shall give or cause to be given notice of the same to the deckman and hoistman. Transportation of explosives in shaft.

(b) Every possible precaution shall be taken in the handling and transportation of explosives.

(63) (a) No person shall place in or take out of the shaft conveyance any explosives except under the immediate supervision of a person in charge of the transportation of explosives on shaft. Supervision over transportation of explosives on shaft.

vision of a person authorized by the manager, superintendent, foreman or shift boss for the purpose.

(b) No other material shall be transported with explosives in any shaft conveyance.

Transfer of
explosives
from storage
places.

(64) (a) The transfer of explosives from the magazine or other surface storage place shall be so arranged that no undue delay shall occur between the time the explosives leave such surface storage place and the time they are properly stored in designated storage places in the mine or distributed to points of use in the mine.

(b) Explosives shall not be left at any level station or near the shaft collar or other entrance to the mine but shall be transferred from any designated storage place to other designated storage places or points of use without undue delay.

Transporta-
tion of
detonators.

(65) (a) Primers shall be made up as near to their point of use as is practical in the interests of safety and only in sufficient numbers for the immediate work in hand.

(b) Detonators or blasting caps, capped fuse, made-up primers or other explosives shall not be transported in any conveyance either on the surface or underground unless placed in separate, suitable, closed containers.

(c) It shall be permissible for a workman to carry capped fuses with other explosives from the nearest storage places to a point of use without placing them in a container provided they are kept separate from the other explosives but in no case shall made-up primers be transported or carried unless placed in separate, suitable, closed containers.

Transporta-
tion of
explosives,
under-
ground.

(66) Where explosives are transported in mine workings by means of a car or cars,—

(a) The speed of any car or cars shall not at any time exceed four miles per hour and definite arrangements for the right-of-way of such car or cars carrying explosives shall be made before the car or cars are moved;

(b) Where mechanical haulage is used the haulage motor shall be maintained on the forward end of any train carrying explosives unless some person walks in advance of the train to effectively guard the same.

Trolley
locomotives.

(67) Where a trolley locomotive is used for the transportation of explosives in any mine the car or cars carrying explosives shall be protected from trolley-wire contact and other existing hazards.

(68) Where parties working contiguous or adjacent claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

Blasting on
contiguous
claims.

(69) No explosive shall be removed from its original paper container or cartridge.

Explosives
not to be
removed
from original
container.

(70) No explosive shall be used to blast or break up ore, salamander or other material where by reason of its heated condition there is any danger or risk of premature explosion of the charge.

Blasting of
roast heaps.

(71) All drill holes, whether sunk by hand or machine drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.

Size of drill
holes.

(72) In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives.

No iron or
steel tool.

(73) (a) No drilling shall be done within six inches of any hole that has been charged and blasted or any remnant of such hole. (So-called bootleg.)

Bootleg
holes.

(b) No drilling shall be done within five feet of any hole containing explosives.

(74) Every workman shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire," and shall satisfy himself that all persons have left the working place except those required to assist him in blasting.

Due warning
required.

(75) (a) Every workman shall, before blasting, cause all entrances to the place or places where such blasting is to be done or where the safety of persons may be endangered by such blasting, to be effectively guarded, so as to prevent inadvertent access to such place or places while such charges are being blasted.

Guarding
entrances to
places where
blasting is
to be done.

(b) Posting of signs shall not be deemed adequate protection to warn of blasting operations.

(76) Except where fired electrically no fuse shorter than three feet shall be used in any blasting operation nor shall any fuse be lighted at a point closer than three feet from the capped end.

Length of
fuse

Interval
before return
to scene of
blast.

(77) (a) Except where the firing has been done by means of electric current no person shall return to the scene of any blast within the number of minutes which are equal to twice the number of feet in the longest fuse used in the blasting operation.

(b) Where the firing has been done by means of electric delay action detonators and two or more shots are fired no person shall return to the scene of any blast within ten minutes of the time at which the blasting circuit was closed.

(c) In the case of a supposedly missed hole in any blasting operation no person shall return to the scene of any blast within thirty minutes of the time of lighting the fuse or fuses or closing the blasting circuit.

Detonator
required.

(78) (a) No hole shall be charged with explosives unless a properly prepared detonating agent be placed in such charge and shall be fired in its proper sequence in the firing of the round.

Firing
required.

(b) All holes which are charged with explosives in one loading operation shall be fired in one blasting operation.

Safety fuse.

(79) Where safety fuse is used in any blasting operation,—

(a) Suitably capped fuses shall be supplied to the workmen in uniform, standard, safe lengths for the operation at hand.

(b) The uncapped ends of all fuses for use in a mine shall be suitably stained.

Lighting
fuses.

(80) In every case the fuse connected to a charge of explosives shall be lighted by other means than the device used as a source of illumination.

Number of
men, lights.

(81) Where more than one shot is fired no workman shall be permitted to conduct any blasting operation unless he is accompanied by one or more other workmen each of whom shall carry a light.

Ventilation
of working
place after
blasting.

(82) Before returning to the scene of any blasting operation every workman shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation.

Protection
of entrance
to working
place.

(83) Where blasting is being done in any raise or stope proper precautions shall be taken to prevent closing of the means of entrance to the working place or interference with the effective circulation of air following the blast, by the broken material produced by the blast. In the case of a single

compartment raise or boxhole where material from the blast may block the means of entrance proper precautions shall be taken to assure the adequate ventilation of the working place before workmen enter the same.

(84) When a workman fires a round of holes he shall, where possible, count the number of shots exploding. If there is any report missing, he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the location of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of workmen going into that working place before work is commenced by them.

(85) Any charge which has missed fire shall not be withdrawn but shall be blasted at a proper time and without undue delay.

(86) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round shall have been cleared from the face and the whole face of the heading examined for explosives in missed or cut-off holes.

(87) (a) After the first ten feet advance has been made in any shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done all blasting in the shaft, winze, station or other workings being driven from the same shall be done by means of an electric current.

(b) After twenty-five feet advance has been made in any raise inclined at over fifty degrees from the horizontal or a "chute" or other permanent obstruction has been placed in the raise, all blasting shall be done by means of an electric current.

(88) A workman shall not, where blasting takes place by electricity, enter or allow other persons to enter the place or places where the charges have been fired until he has disconnected the cables from the blasting battery or other source of current.

(89) (a) Electricity from lighting or power cables shall not be used for firing shots except when a firing device of a design which has been approved by the Chief Inspector and which automatically opens the circuit by gravity is provided. The live side of such device shall be installed in a fixed, locked box and shall be accessible only to the authorized shot firer.

(b) One such device shall be maintained for each individual

working place in which firing is done by means of electricity from lighting or power cables.

Blasting by direct current or blasting battery.

(90) Where the source of current is a direct current battery or a blasting machine of the so-called "battery" type, the firing cables or wires shall not be connected to the source of current until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

Lead wires short-circuited.

(91) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables. This short circuit shall not be removed until the men have retreated from the face and it shall be so located that a premature explosion would be harmless to the men opening the short circuit.

Firing cables.

(92) The firing cables or wires used for firing shots at one working place shall not be used for firing shots in another working place until all proper precautions have been taken to insure that such firing cables or wires have not any electrical connection with the leads from the first working place.

Precautions in using shot-firing cables

(93) When shot-firing cables or wires are used in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

*Protection in Working Places, Shafts, Winzes,
Raises, Etc.*

Protection from overhead operations.

(94) Neither on surface nor underground shall workmen be employed in a location where men are working overhead unless such measures for protection be taken as the nature of the work permits.

Protective hat.

(95) Every person employed underground in any mine shall be required to wear a protective hat manufactured for such service.

Fencing of shafts and other openings.

(96) The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Gate at shaft entrances.

(97) (a) At all shaft and winze openings on the surface and on every level, unless securely closed off, the hoisting compartments shall be protected by a substantial gate which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level. The clearance beneath any such gate shall be kept to a minimum.

(b) Where haulage tracks lead up to any hoisting compartment on surface or underground the gate on such compartment shall be reinforced in such a manner that it shall be sufficiently strong to withstand any impact imparted thereto by collision therewith of any motor, train or car operated on such tracks.

(98) Every shaft and winze shall be properly timbered and during sinking operations the timbering shall be maintained within a safe distance of the bottom. In no case shall this distance exceed fifty feet.

Shaft and winze timbering.

(99) Where a drift extends from a shaft in any direction on a level, a safe passageway and standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

Protection of workmen in drifts.

(100) (a) During shaft sinking operations no work shall be done in any place in a shaft or winze while men are working in another part of the shaft or winze below such place unless the men working in the lower position be protected from the danger of falling material by a securely constructed covering extending over a sufficient portion of the shaft to afford complete protection.

Protection of men in sinking operations.

(b) During shaft sinking operations a set of doors shall be maintained at the collar or other point of service of every shaft or winze. Such doors shall be closed at all times that material is being loaded into or unloaded from a shaft conveyance.

(101) Except during sinking operations, if material be handled in any shaft or winze compartment there shall be maintained around that compartment except on the side on which the material is to be loaded or unloaded a substantial partition at the collar and at all levels. Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet.

Lining compartments at levels.

(102) (a) No person shall do any work or conduct any examination in any compartment of a shaft or winze or in that part of a headframe used in conjunction therewith while hoisting operations are being conducted in such compartment except where the hoisting conveyance is necessary for the purpose of doing such work or conducting such examination.

Protection on shaft inspection.

(b) No person shall do any work or conduct any examination in a shaft or winze or in that part of a headframe used in conjunction therewith unless he be adequately protected from accidental contact with any moving hoisting conveyance or the danger of falling particles dislodged by or falling from such conveyance.

Timbering
mine
workings.

(103) Where the enclosing rocks are not safe every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure.

Use of shaft
buckets.

(104) Where a bucket is used in any shaft or winze for other than sinking purposes,—

- (a) A set of doors as required by Rule 138 (c) shall be maintained at the collar of the shaft or winze, which doors shall be kept closed at all times that tools or supplies are being loaded into or taken out of the bucket;
- (b) A suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level;
- (c) Simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels has been submitted to and has received the approval of the Inspector.

Steeply in-
clined raises.

(105) All raises inclined at over fifty degrees from the horizontal which are to be driven more than sixty feet slope distance shall be divided into at least two compartments one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet.

Precautions
as to broken
material.

(106) Whenever, at any time, chutes are pulled where persons may, either at the time of pulling or some future time, be required to go out on the broken material above, proper precaution shall be taken to ascertain that the broken material is settling freely and where there is any indication of a hang-up the location shall be adequately protected by suitable signs or barricades and any persons working in the vicinity notified of the danger.

Access to
stopes.

(107) Unless the entrance to a stope is capable of being used as such at all times a second means of entrance shall be provided and maintained.

Guarding
mill holes,
manways,
etc.

(108) The top of every millhole, manway or other opening shall be kept covered or otherwise adequately protected.

Guarding
open
workings.

(109) Wherever men are working, below a level, in any place the top of which is open to the level in close proximity to any haulageway or travelway some person shall effectively

guard the opening unless the same is securely covered over or otherwise closed off from the haulageway or travelway.

(110) The tops of all raises or other openings to a level shall be kept securely covered, fenced off, or protected by suitable barricades to prevent inadvertent access thereto. Guarding tops of raises.

(111) Before drilling is commenced in any working place the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms. Procedure before drilling.

(112) Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner and such point of connection shall be guarded as an entry when blasting within fifteen feet of breaking through. Breaking through to mine workings.

(113) Underground workings, especially shafts, sumps and winzes, which have been in disuse for some time shall be examined before being again used, in order to ascertain whether foul air or other dangerous gases have accumulated there, and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are in fit state to work or travel in. Unused workings to be tested for gas.

(114) The owner, manager, or some authorized person or persons shall examine daily all parts of the mine where drilling and blasting is being carried on; shall examine at least once a week the other portions of a mine in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, crosscuts and raises, in order to ascertain that they are in a safe working condition; shall inspect and scale or cause to be inspected and scaled the roofs and walls of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. Examination of mine workings.

(115) The owner or manager shall provide and maintain an adequate supply of properly dressed scaling bars and gads and other equipment necessary for scaling. Scaling bars and gads.

(116) The owner or manager shall, when necessary, provide life lines for the workmen and it shall be the duty of the workmen to continually wear such life lines at all times, when by so doing the interests of safety will be advanced. Life lines to be used.

(117) Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations. Keeping water supply to lay dust.

Time for
blasting.

(118) The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Written
record.

(119) Where there is non-continuous shift operation in mine areas the on-coming shift shall be warned of any abnormal condition affecting the safety of operations. Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before workmen are permitted to resume operations in the areas indicated in such record.

Repair work,
manways.

(120) Where repair work is in progress in any manway or conditions arise that may endanger travel through such manway the manway shall be closed off or adequate signs designating the unfitness of such manway for travel purposes shall be posted at all entrances to such manway.

Precautions
when inter-
secting drill
holes.

(121) (a) Diamond-drill holes shall be plotted on all working plans of levels.

(b) When any active mine heading is advancing toward any diamond-drill hole the collar or the nearest points of intersection of such hole or both shall be securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of such hole.

(c) The collar and any points of intersection of every diamond-drill hole, underground, shall be plainly marked at the time that drilling is discontinued or an intersection made. Such marking shall consist of a single capital letter "H" in yellow paint measuring twelve inches by twelve inches which shall be placed within four feet of such collar or intersection.

Ladderways
in shafts and
winzes.

(122) (a) A suitable footway or ladderway shall be provided in every shaft and winze.

(b) In shafts and winzes no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position.

(c) During sinking operations, if the ladder be not maintained to the bottom, an auxiliary ladder which will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which men are working.

(d) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein suitable ladder-

ways or stairways and platforms shall be maintained to permit such work being carried out in a safe manner.

(123) The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material is hoisted by a suitable and tightly closed partition.
Partition between manway and hoisting compartments.

(124) In a shaft or winze inclined at over seventy degrees from the horizontal substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body, and the ladders shall be so placed as to cover this opening in the platform.
Ladderway in shaft over 70 degrees.

(125) In a shaft or winze inclined at less than seventy degrees from the horizontal the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet, in the ladderway, and the same shall be covered except for an opening large enough to permit the passage of a man's body.
Ladderway in shaft under 70 degrees.

(126) (a) Stairways may be used in a shaft or winze inclined at less than fifty degrees from the horizontal.
When stairway permissible.

(b) All stairways in shafts or winzes shall be equipped with a suitably placed handrail.

(127) (a) All ladderways in raises, stopes and other manways of a mine shall be installed and maintained in a workmanlike manner to reduce to a minimum the hazard of a man falling therefrom.
Ladderways, other mine workings.

(b) A landing platform shall be installed at all points where ladders are offset.

(128) Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes in any mine if they are frayed or have projecting broken wires.
Wire rope ladders.

(129) Every ladder shall project at least three feet above its platform, except where strong hand rails are provided.
Hand rails for ladders.

Ladders.

(130) (a) Every ladder used shall be of strong construction, shall be securely placed in any shaft, winze, raise, or stope, and shall be maintained in good repair.
Ladders.

(b) The distance between centres of rungs of ladders shall not be greater than twelve inches or less than ten inches, and

the spacing of rungs shall not vary more than one-half inch in any particular ladderway.

(c) In order to give a proper foothold the rungs shall in no case be closer than four inches from the wall of a shaft, winze, or raise, or any timber underneath the ladder.

Shaft Equipment.

Raising and lowering material.

(131) Where steel, timber or other material is being raised or lowered in any shaft or winze it shall be securely fastened to the shaft conveyance or hoisting rope.

When cross-head required.

(132) (a) After a depth of three hundred feet has been attained in the sinking of any vertical shaft or winze, a suitable crosshead shall be used.

(b) When a crosshead is not used the bucket shall be barrel-shaped and shall be suspended from the upper rim.

(c) When a crosshead is not used in any vertical shaft or winze the compartment in which the bucket works shall be closely lined with sized lumber.

Safety appliance on crosshead.

(133) (a) All sinking crossheads shall be provided with a safety appliance of approved design, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

(b) All crossheads shall be of a design approved by the Inspector.

Level of load in sinking bucket or skip.

(134) In a shaft or winze, in the course of sinking, the bucket or skip shall be filled only in such a manner that no piece of loose rock shall project above the level of the brim.

Lowering men after blast.

(135) (a) During sinking operations in any shaft or winze the bucket or skip used for returning men to the working place following any blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination and in no case shall the point be less than fifty feet above the blasting set or bulkhead.

(b) The bucket or skip shall be lowered from such point only on signal from the men accompanying the same and at such speed as to be fully under control, by signal, of such men.

(c) Only sufficient men shall be carried on such trip as are required to properly conduct a careful examination of the shaft or winze.

(136) In a shaft or winze in the course of sinking, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above and shall remain there until a separate signal to lower the same has been given by a properly authorized person. Bucket or skip not to be lowered directly to face.

(137) No bucket shall be allowed to leave the top or bottom of any shaft or winze until the workman in charge thereof has steadied it or caused it to be steadied. Bucket to be steadied.

(138) (a) In a shaft or winze, in the course of sinking, adequate provision shall be made to assure the impossibility of the bucket or skip being dumped while the dumping doors are open or other means applied to prevent spillage falling into the shaft or winze. Protection from dumping.

(b) The design of any device for this purpose shall be submitted for the approval of the Inspector.

(c) A door or doors shall be maintained at the collar of every shaft or winze while sinking is in progress. Such door or doors shall be kept closed at all times that tools or material are being loaded into or unloaded from the bucket except when the bucket is emptied by dumping, when an arrangement as provided for in clauses (a) and (b) of this rule shall be used.

(139) Except during sinking operations, whenever a mine shaft or winze exceeds three hundred feet in vertical depth a suitable cage or skip, equipped as required by rule 141 of this section, shall be provided for lowering or raising men in the shaft or winze. Cage or skip for handling men.

(140) No cage or skip shall be used for the raising or lowering of persons unless it is so constructed as to prevent any portions of the body of any person riding therein from accidentally coming into contact with the timbering or sides of the shaft or winze. Doors shall be so fitted that they cannot be accidentally opened and shall be closed when lowering or hoisting men. Protection from contact with timbering, etc.

(141) All cages or skips for lowering or raising men shall be constructed as follows: Construction of cages and skips.

(a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength; Hood.

(b) The cage shall be provided with sheet iron or steel side casing not less than one-eighth of an inch in thickness or of a material of equivalent strength and such casing shall extend to a height not less than five feet above the floor of the cage; Casing.

Doors.

- (c) The cage shall be equipped with doors made of suitable material which shall extend to a height not less than five feet above the floor and so arranged that it will be impossible for the doors to open outward from the cage;

Safety appliances.

- (d) The safety appliance shall be of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft, as provided in clause (b) of rule 166 of this section; but the Chief Inspector may give permission, in writing, for hoisting without safety appliances if he is satisfied that the equipment is such that a maximum safety is provided.

Operating chairs by lever.

- (e) The cage shall not have chairs attached thereto which are operated by a lever or a chain through or from the floor of the cage.

Cage doors to be kept closed.

- (142) (a) No person shall travel or be permitted to travel in a cage at any time except during shaft inspection unless the doors of the same are securely closed.

(b) The cage doors shall not be opened until a full stop has been made at the point or station signalled for, except during trips of inspection, provided that in the case of an inadvertent stop at any point in the shaft or winze, other than a station, the cage doors may be opened and the men may leave the same on instructions to do so by a properly authorized person.

Automatic operation of chairs.

- (143) When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze they shall be so arranged that they automatically fall clear of the hoisting compartment when the cage or other conveyance is lifted off.

Bales, safety latches, etc.

- (144) The bucket and any device such as the bale, safety latch or other attachment to the bucket shall be of a design approved by the Chief Inspector.

Hoisting men and material simultaneously.

- (145) No person shall travel or be permitted to travel in a bucket, cage or skip operated by an engine which is being simultaneously used for the hoisting of mineral or material, except as provided in clause (c) of rule 146.

When persons not to be hoisted.

- (146) No person shall be lowered or hoisted, or allow himself to be lowered or hoisted in a shaft, winze or other underground opening of a mine:

In buckets or skips.

- (a) In a bucket or skip, except that men employed in shaft sinking will be allowed to ascend and descend to and from the sinking deck or other place of safety by means of the bucket or skip used for hoisting material;

- (b) In a cage or skip, except as provided in clause (a) of this rule and clause (d) of rule 141, which is not provided with a hood, dogs or other safety appliance approved by the Inspector; When safety appliances not used.
- (c) In a cage, skip or bucket that is loaded with powder, steel or timber except for the purpose of handling the same; When loaded.
- (d) In a cage, skip or bucket in which any material is carried, unless the same be adequately secured; Unless material secured.
- (e) Except during sinking operations no person shall be hoisted or lowered in any shaft conveyance unless such conveyance is in charge of a person properly authorized to act as cagetender or skiptender. Conveyance in charge of authorized person.

(147) After every stoppage of hoisting for repairs and after any stoppage for any other purpose which shall exceed two hours' duration no person shall be raised or lowered until the cage or skip has made one complete trip up and down the working portion of the shaft. Hoisting after stoppage for repairs.

(148) Any device used for hoisting from mine workings shall be equipped with a brake or brakes which may be applied directly to each drum so as to readily stop and hold the drum when it is carrying its maximum load. Brakes required.

(149) Such brakes shall be so arranged that, whether the engine is at work or at rest, they can be easily and safely manipulated by the hoistman when standing at the levers controlling the engine. No hoist used for the raising or lowering of persons, or used in shaft sinking, shall be equipped with a brake or brakes operated by means of the hoistman's foot unless such brake is an auxiliary electrical device. The adjustments of the brake or brakes shall be maintained in such condition that when the normal power of the brake or brakes is applied the brake lever will still have a clearance between itself and the end of the quadrant in which it works. Type of brake.

(150) The operating gear of the clutch of the drum shall be provided with locking gear to prevent the inadvertent withdrawal or insertion of the clutch. Locking gear.

(151) The brake and clutch operating gear shall be so installed that it shall not be possible to unclutch any drum unless the brake or brakes on such drum are applied nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. Interlocking brake and clutch.

(152) Such bolts and other fittings of the drums, brakes and clutches as might be a source of danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices.

Electric
hoists.

(153) All electric hoists shall be so installed that:

Automatic
brake.

(a) One or more brakes shall be applied automatically to bring the hoist to rest in event of power failure;

Overwind
device.

(b) A suitable overwind device will cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest before the cable attachment may reach the sheave;

Circuit
breaker.

(c) A circuit breaker will cut off the source of power and result in the automatic application of one or more brakes to bring the hoist to rest in event of a pre-determined overload;

Back-out
switch.

(d) A back-out switch shall be provided which, when closed, will permit backing out of an overwind position only and will prevent the operation of the hoist in an improper direction for this purpose;

Emergency
switch.

(e) An emergency switch, located near the operator, may be opened and cause the circuit breaker to cut off the source of power and apply automatically one or more brakes to bring the hoist to rest;

Meter.

(f) A meter showing the load on the hoist motor at all times shall be in plain view of the operator.

Auxiliary
overwind.

(154) (a) On all electric skip hoists used for hoisting men an auxiliary overwind device, which will prevent the skip being hoisted to the dumping position, shall be installed and placed in operation at all times that men are handled.

(b) Except in sinking operations such auxiliary overwind device shall be so installed that a distinctive signal shall be automatically given to the men about to enter the skip when the device is put into operation.

Testing
overwind
devices.

(155) All overwind devices shall be tested daily and a record of such test shall be posted in the Hoistman's Log Book.

Brakes to be
tested.

(156) The operator of a hoisting engine shall not, after going on shift, unclutch a drum of his engine until he has assured himself immediately beforehand, by testing the brake of the drum against the normal starting power of the engine, or in case of an electric hoist against the normal starting current, that the brake is in proper condition to hold the load suspended from said drum.

Friction
clutches.

(157) When a hoisting engine is fitted with a friction clutch, the operator, after going on shift, shall, when clutching

in, test the holding power of the clutch before releasing the brake of the corresponding drum, the brake of the other drum being kept off. In case of a steam or air hoist, the test shall be made against the normal starting power of the engine, and in case of an electric hoist against the normal starting current.

(158) When the drum of a hoist is unclutched, the brake Use of brake when drum unclutched. of such drum shall be used only for the purpose of maintaining such drum in a stationary position and no lowering shall be done from an unclutched drum.

(159) In case of non-reversible steam or air hoists and single-drum electric hoists not used in balanced hoisting an adequate Auxiliary brake required. auxiliary brake shall be installed before the same shall be used for hoisting or lowering men, but non-reversible steam or air hoists with throttle-controlled exhaust shall not require such auxiliary brake.

(160) Every hoisting engine shall, in addition to any marks Indicator required. on the rope, be provided with a reliable depth indicator, which will clearly and accurately show to the operator at all times:

- (a) the position of the bucket, cage or skip;
- (b) at what positions in the shaft a change of gradient necessitates a reduction in speed.

(161) An indicator shall not be operated by a chain and sprocket arrangement but shall be driven by a suitable train Operation of indicator. of gears from its corresponding drum of the hoist.

(162) At every shaft exceeding three hundred feet in depth Warning signal. adequate provision shall be made whereby the hoistman is warned, audibly, of the arrival of the bucket, cage or skip at points in the shaft the distances of which from the top or bottom landing places are not less than the equivalent of three revolutions of the drum of the hoisting engine.

(163) On the drum of every hoist used for lowering or Slipping of rope on drums. raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping off.

(164) (a) The connection between the hoisting rope and the Rope connection. bucket, cage, skip, counterbalance or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum. No open hook device shall be used for such purpose.

(b) On all new installations or proposed changes to existing installations the method of making such connection shall be of a design approved by the Chief Inspector.

Examination
of hoisting
equipment
required.

(165) The owner or manager of a mine, where a hoisting engine is in use, shall depute some competent person or persons whose duty it shall be to examine at least once in each week the sheave wheels, the hoisting ropes and the attachments thereof to the drums and to the counterweights, buckets, cages or skips, the brakes and depth indicators and the buckets, counterweights, cages, and skips, and any safety catches attached thereto; the guides and hoisting compartments generally and the signalling arrangements; and the external parts of the hoisting engine.

Examination
of cables and
safety
appliances.

(166) Such owner or manager shall also depute a competent person or persons who shall examine,—

(a) at least once in each month the structure of the hoisting ropes with a view to ascertaining the deterioration thereof and for the purpose of this examination the rope shall be thoroughly cleaned at points to be selected by said person or persons, who shall note any reduction in the circumference of, and the proportion of wear in, the rope;

(b) at least once a month the safety appliances of the cages or other shaft conveyances, so equipped, by testing same under load conditions; such test to consist of releasing the cage suddenly, in some suitable manner, so that the safety catches shall have opportunity to grip the guides; and in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for hoisting men until the safety catches have been repaired and been proved to act satisfactorily.

Defects to be
remedied
at once.

(167) If, on any examination, as is hereinbefore required there is discovered any weakness or defect whereby the safety of persons may be endangered, any such weakness or defect shall be immediately reported to the owner or manager or person in charge, and until such weakness or defect is remedied the hoisting plant shall not be used.

Machinery
Record Book.

(168) (a) Such owner or manager shall keep or cause to be kept at the mine a book termed the "Machinery Record Book," in which shall be recorded a report of every such examination as is hereinbefore referred to, signed by the person making the examination.

(b) A notation shall be made in the Machinery Record Book of any failure of or accident to the hoist, the hoisting rope, the shaft conveyance, or any other part of the hoisting equipment, over the signature of the responsible person in charge of such equipment or accessories thereto.

(169) No hoisting rope which has previously been in use in any place beyond the control of the owner or manager shall be put on anew except with the permission of the Inspector.

History of rope necessary.

(170) In no case shall a rope which has been spliced be used for hoisting purposes.

Hoisting rope not to be spliced.

(171) In case of hoisting engines there shall be not less than three rounds of rope upon the drum when the bucket, cage or skip is at the lowest point in the shaft or winze from which hoisting is effected. The end of the rope shall be fastened around the shaft or to the spider of the drum in a suitable manner.

Length of ropes required on drum when skip is at the bottom.

(172) In case a hoisting rope is used both for the raising and lowering of men and materials, the weight attached to the rope in the former case, when the bucket, cage or skip is bearing its authorized load shall not exceed eighty-five per centum of the maximum allowable weight when the rope is in use for other purposes.

Hoisting both men and materials.

(173 (a) No hoisting rope shall be used which is not accompanied by a certificate from the manufacturer giving the following information: name and address of manufacturer, coil or reel number, date of manufacture, diameter and circumference of the rope in inches, weight per foot in pounds, number of strands, class of core, number of wires in strand, diameter of wires in decimals of an inch, breaking stress of steel of which the wire is made, in tons per square inch, estimated or actual breaking load of rope, length of rope.

Rope certificate necessary.

(b) The foregoing data along with the additional following information shall be entered in a book known as the "Rope Record Book," and duplicate copies forwarded to the Chief Inspector when a hoisting rope is newly put on: date of purchase, date on which put on, identification number (where used) of the rope, name of shaft or winze and compartment in which the rope is used, weight of shaft conveyance, weight of material carried, weight of maximum length of rope in service, static factor of safety.

(c) There shall be kept in the Rope Record Book a history of the hoisting rope, outlining the date on which the rope was put on, certification of trial trips and examinations required by rule 174, date of shortening, dates and summaries of breaking tests, date taken off.

(d) The Rope Record Book shall always be open for inspection by the Inspector.

(e) When a hoisting rope is taken out of service, notice

to that effect shall be forwarded to the Chief Inspector, giving the date and reasons for discarding along with such other information as he may require.

Examination
of attach-
ments.

(174) A hoisting rope when newly put on, and after any subsequent cutting thereof, shall have the connecting attachments between the bucket, cage, skip, or counterweight and the rope carefully examined by some competent and reliable person or persons authorized by the owner, manager, or department head, and shall not be used for ordinary transport of persons in any shaft or winze until two complete trips up and down the working portions of such shaft or winze have been made, the bucket, cage, skip or counterweight bearing its authorized load. The result of such examination shall be recorded in the Rope Record Book.

Factor of
safety of
hoisting rope

(175) The factor of safety of all hoisting ropes when newly installed in shafts less than two thousand feet in depth shall in no case be less than six, and in shafts over two thousand feet in depth and less than three thousand feet in depth shall not be less than five. The factor of safety shall be calculated by dividing the breaking strength of the rope as given in the manufacturer's certificate by the sum of the maximum load to be hoisted plus the total weight of the rope in the shaft when fully let out:

- (a) No hoisting rope shall be used for the raising or lowering of men when its factor of safety based on its existing strength and dead load shall have fallen below 4.5.
- (b) No hoisting rope shall be used for the raising or lowering of men when the number of broken wires in one lay of said rope exceeds six, or when marked corrosion appears.

Rope
dressing.

(176) Every hoisting rope shall be treated with a suitable rope compound as often as necessary and at least once in every month.

Testing of
hoisting
rope.

(177) At least once in every six months the hoisting rope shall have a portion not less than six feet in length cut off the lower end, from a position above the clamps or other attachment. The length so cut off shall have the ends adequately fastened with binding wire before the cut is made, to prevent the disturbance of the strands and shall be sent to the Department of Mines Wire Rope Testing Laboratory for a breaking test. The certificate of such test shall be kept on file and a summary thereof recorded in the Rope Record Book.

Cleaning and
examination
of rope
connection.

(178) At the periodical cutting of the rope the connection between the rope and the bucket, cage or skip shall be thoroughly cleaned and carefully examined.

(179) Head sheaves shall be of such diameter as shall be suited to the rope in use. Head sheaves.

(180) Wherever a counterweight is used in a shaft it shall operate in a separate and safely enclosed compartment. The cable from the counterweight shall be attached to the drum of the hoist and not to the cage or skip. Counterweights.

Signals.

(181) Every working shaft shall be provided with some suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck. Signalling.

(182) A separate signal system shall be installed for each hoisting compartment in all shafts and winzes in which a hoisting conveyance operates and there shall be sufficient difference in the sounds of the signals for each compartment that they are easily distinguishable. Separate signal system for each compartment.

(183) (a) Where an electrical signal system is installed the system shall be so arranged that the hoistman may return the signal to the person giving the signal. Electric signal system.

(b) When men are about to be hoisted or lowered the hoistman shall so return the signal.

(184) (a) At every shaft or winze hoist there shall be kept a "Hoistman's Log Book" in which shall be recorded: Hoistman's log book.

- (i) A report of the working condition of the hoist including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist;
- (ii) A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned;
- (iii) Any special instructions received involving the safety of persons. Such entry shall be signed by the hoistman and by the person issuing the instructions;
- (iv) A report of the working condition of and a record of any tests performed upon the operation of all overwind devices installed in conjunction with the hoist. Where the required daily tests of such overwind devices are conducted by a hoistman operating

on another shift the hoistman assuming duty shall note over his signature that he has examined the entry in the Log Book of the hoistman who performed the tests;

- (v) A report of all abnormal circumstances in connection with the operation of the hoisting engine or attachments thereto and such abnormal conditions as have come to his knowledge in connection with the hoisting operations in the shaft or winze.

(b) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. All such entries shall be countersigned by the hoistman assuming duty for such succeeding period.

(c) Such entries as are required by the preceding clauses *a* and *b* of this rule shall be made and signed by every hoistman for his period of duty on every shaft or winze hoist, the time and duration of which period of duty shall also be noted and such entries as have been made during the preceding twenty-four hours shall be read and initialled each day by the master mechanic or other authorized person.

Open lights,
discipline.

(185) (a) When persons are being hoisted or lowered in any cage or skip no person other than the cagetender or skip-tender shall have a burning open flame lamp of any kind except that for shaft inspection or similar purposes a sufficient number of lighted lamps shall be permitted.

(b) At all times that men are being hoisted or lowered in any cage or skip there shall be maintained a proper discipline of persons riding on such cage or skip.

Code of
signals.

(186) (a) The following code of signals shall be used at every mine and a copy of such code shall be printed and posted up in every hoist room and every level or other landing in the shaft or winze:

1 bell Stop immediately—if in motion.

1 bell Hoist.

2 bells Lower.

3 bells Men about to ascend or descend. This signal shall be given before men are permitted to enter the hoisting conveyance. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before

men are permitted to enter the hoisting conveyance. After a hoistman has received a 3-bell signal he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement.

The hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that men are being carried.

- 4 bells.....Blasting signal. Hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal only a 1-bell signal shall be required to signal for hoisting men away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.
- 5 bells.....Release signal. Hoistman may move the hoisting conveyance to another point in the shaft, not a recognized stopping point, and stop it there on his own discretion, but the person giving the release signal shall remain to guard the conveyance until it is so moved.
- 9 bells.....Danger signal. To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of a danger signal.

(b) In case the hoistman is unable to act within one minute of the time he has received a complete signal he shall not move the hoisting conveyance until he has again received a complete signal.

(187) (a) Special signals, in addition to the above, shall be used at every mine for the purpose of designating hoisting movements. Such signals shall be easily distinguishable from the foregoing code and shall not interfere with it in any way and shall be approved by the Chief Inspector. Special signals.

(b) The special code of signals used at every mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of such shaft or winze.

(188) Under no circumstances shall the hoisting conveyance be moved by the hoistman until he has received a proper signal, except that in event of an inadvertent stop at some point in the shaft or winze other than a station from which signals may be given, the hoistman may move the hoisting Signal required.

conveyance on the instruction of a properly authorized person to do so.

Signal to be given only by authorized person.

(189) No person, unless duly authorized, shall give any signal for moving or stopping the bucket, cage or skip. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be given. No unauthorized person shall give any signal, other than the danger signal, or in any way whatsoever interfere with the signalling arrangements.

Notices to be posted showing number of men permitted to ride.

(190) (a) A notice showing clearly the number of persons allowed to ride on, and the weight of materials allowed to be loaded on the cage or skip shall be posted at the collar of the shaft or winze.

(b) The person authorized to give signals will be held responsible for observance of such notice.

(c) No person shall offer obstruction to the enforcement of such notice.

Haulage.

Warning equipment.

(191) (a) Every locomotive, engine, trolley or motor car used for hauling material, either above or below ground, shall be equipped with a headlight or headlights, and a whistle, bell, gong, or horn, which shall be sounded when starting and at such other times as warning of danger may be required.

(b) In mechanical haulage underground all made-up trains shall be equipped with a suitable tail-light.

Riding on cars, etc.

(192) No person shall ride upon or against any car in any level, drift or tunnel in or about a mine. In mechanical haulage this shall not apply to train crews or to persons being transported on passenger cars especially provided for that purpose.

Clearance.

(193) On every level on which mechanical haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the level and the cars, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every one hundred feet. Such safety stations shall be plainly marked.

Control levers.

(194) Control levers of storage battery and trolley locomotives shall be so arranged that the lever cannot accidentally be removed when power is on.

Unattended locomotive.

(195) No electric haulage locomotive shall be left standing unattended unless the brakes have been set and the control

lever placed in the neutral position. In the case of a storage battery haulage locomotive the main switch shall also be placed in a non-operating position.

Protection from Machinery.

(196) Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith. Fly-wheel, geared-wheel, etc.

(197) Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered, unless situated in such a manner or location as to prevent any person coming into accidental contact therewith. Uneven projections to be covered.

(198) Every power-driven grinding wheel shall be provided with a hooded guard of sufficient strength to withstand the shock of a bursting wheel. This guard shall be adjusted close to the wheel and extend forward, over the top of the wheel, to a point at least thirty degrees beyond a vertical line drawn through the centre of the wheel. Grinding wheels to be guarded.

(199) Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing. Wearing loose clothing.

(200) Every runway or staging more than five feet from the floor and used for oiling or other purposes shall be provided with a hand-railing. Runway to have hand-railing.

(201) Every entrance to any elevator, hatchway, or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate. Protection of entrances.

(202) Every counterweight shall be so situated or guarded that injury to any person would not be probable should it become detached from its fastenings. Counterweights.

(203) Every frog in a track, either above or below ground, on which cars are moved by mechanical power shall have a guard block of wood or iron. Frogs on tracks.

(204) Under no circumstances shall any person ride on any conveyor or belt. Belts, conveyors.

Steam, Compressed Air.

Steam
boilers.

(205) Every steam boiler used for generating steam in or about a mine shall, whether separate or one of a range,—

- (a) have attached to it a proper safety-valve, and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler;
- (b) be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months; and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.

Maintenance

(206) Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition.

Air receivers.

(207) Every air receiver installed at the surface of a mine shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the Chief Inspector within seven days.

Sand and Gravel Pits.

Under-
mining
forbidden.

(208) In open-pit workings of sand and gravel the method of removing material by undermining shall not be allowed. No vertical working place shall have a height of more than ten feet. Where the thickness of material to be excavated exceeds ten feet in depth, the work shall be done in terraces, or at an angle of safety. This rule shall not apply to pits where the material is excavated solely by mechanical means.

Metallurgical Works.

Antidotes
and washes.

(209) At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.

Removal of
dust.

(210) In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal.

(211) In every mill or plant where poisonous vapours or gases exist or may be formed suitable means shall be adopted to provide such ventilation as will prevent the formation of dangerous concentrations of the same. Poisonous vapours.

(212) Due provisions shall be made at all plants where acids or poisonous compounds are used to reduce to a minimum the hazards of storing and handling such materials. Storage of acids, poisons.

(213) The transfer of liquids from one location or container to another location or container by the application of air under pressure shall not be permitted except where properly designed and tested equipment is used for this purpose. Transfer of liquids by compressed air.

(214) No person shall enter any storage bin while material is stored therein unless a second person is in constant attendance and precautions are taken against the danger of caving material. Work in bins.

(215) Guard rails shall be placed at the approach to rail-way tracks, where the view of such tracks is obstructed in one or both directions. Guard rails at track approaches.

(216) At all furnaces of the hand-filled type the room at the furnace top where workmen are engaged shall be adequately ventilated, and there shall be provided and maintained in good order a stairway equipped with hand-rail, from the top of the furnace to the ground level below, affording a safe means of exit in case of danger from any cause. Ventilation

(217) Whenever it is necessary for a workman to go up on the bustle pipe for any purpose, he shall first notify the furnace keeper or some other responsible person, whose duty it shall be to remain on watch during the period the workman is engaged on the bustle pipe. Protecting workmen.

(218) All bustle pipes shall be provided with safe working platforms, equipped with hand-rails, at least three feet six inches in height, and wherever practicable the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a workman falling on it. Access to the platform shall be by stairway provided with hand-rails. Protection from bustle pipes.

(219) Whenever it becomes necessary for a workman to go on top of the furnace for oiling, cleaning, or other duty, he shall notify the foreman or other responsible person, who shall see that not less than two men go on top for any purpose. It shall be the duty of one workman to act as watcher and to give the alarm to the stock house, cast house, or bell operator, and render every possible assistance in case of danger from gassing or other causes. Guarding workmen on top of furnace.

Life lines.

(220) Life lines and belts in good order shall be provided and kept in some secure and readily accessible place for immediate use in case it becomes necessary to rescue a workman from the top rigging, and also for use by any workman whose duties require him to work in an atmosphere which is liable to become dangerous by reason of the presence of noxious gases.

Shields for protection against burning.

(221) Workmen employed at metallurgical works shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material.

Line of communication.

(222) A suitable line of communication by telephone, gong or other mechanical means shall be maintained between the furnace top and all other dangerous places, and the cast house, skip operator's room, or other place where workmen are continuously on duty.

Stairways protected.

(223) All stairways shall be inclined at an angle not greater than fifty degrees from the horizontal, and be provided with landings or turnouts, at intervals of twenty-five feet, so that it will not be possible for a workman to fall from the top to the foundation landing below.

Supervision of hazardous work.

(224) Every foreman shall personally supervise or appoint a competent assistant to supervise any work around the furnace involving unusual accident hazard, such as work in gas mains or cleaners, tearing out linings, work in the cast house, about the stoves when blowing in or blowing out, and any work about the bells or stock line. He shall also, when the furnace is known to be hanging and liable to slip, see that no workman is allowed on top for any purpose.

Inspection of stock piles.

(225) Stock piles of ore, limestone, coke or other material shall be inspected daily by some authorized person whose duty it shall be to see that they are in a safe working condition.

Protection around bell.

(226) Whenever ore becomes frozen in the hopper and workmen are required to bar the same into the furnace, a suitable guard-rail shall be provided to prevent workmen slipping on to the bell, and all workmen so engaged shall be equipped with belt and life line.

Rescue apparatus.

(227) There shall be maintained at all blast furnaces in a readily accessible place breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of oxygen and absorbent material. There shall always be on duty in each working shift a workman or workmen appointed by the superintendent and trained in the use of breathing and resuscitating apparatus.

Age, elevator and crane operators.

(228) No person under the age of eighteen years shall be allowed to operate any elevator or power-driven crane.

(229) No person other than the operator shall be permitted to ride on any crane or part thereof or on any material carried by such crane except for inspection, supervision, maintenance and repair, or instruction of a new operator. Riding prohibited.

(230) Every crane operated from a cab mounted on the crane shall be equipped with a whistle, bell, gong or horn which shall be sounded at such times as it may be necessary to give warning of the approach of the crane to places where men are working or are liable to pass. Warning devices.

(231) Every crane shall be equipped with suitable devices to prevent overwinding. Over-winding devices.

(232) The owner or manager shall depute some qualified person or persons to examine daily such parts of the crane or apparatus pertaining thereto upon the proper working of which the safety of persons depends. A record of such examinations shall be kept. Daily examination of cranes.

(233) Every entrance to a hoistway shall be provided with a substantial door or doors or gate or gates at least six feet in height. All folding gates over three feet wide shall have top, bottom and centre braces. Folding gates.

(234) Every hoistway landing and place where machinery is erected shall be well lighted. Lighting.

(235) When a hoistway is not enclosed in walls, access to the hoistway by means of an adjacent stairway shall be prevented by means of a partition to a height of at least six feet. Guarding hoistway.

(236) All guide rails for cars and counterweights shall be of substantial construction, and shall be securely fastened to the sides of the hoistway, and the bottom ends shall rest on a secure foundation, and be firmly fixed in that position. Guide rails.

(237) On every elevator hereafter installed a clear space of not less than three feet shall be provided between the bottom of the hoistway and the lowest point of the car when the car is at its lowest landing, and between the top of the car and the sheave when the car is at its top landing, and also between the top of the counterweight and the sheave when the car is at its lowest landing. Clearance for car.

(238) Every elevator shall be provided with automatic devices at the top and bottom of the travel of a car in the hoistway, so arranged that the car will be stopped before it has travelled two feet above the top landing, or two feet below the bottom landing, and all drum hoists shall, in addition, be fitted with automatic stop motions to prevent overwinding. Automatic safety devices.

Protecting
counter-
weights.

(239) All counterweights shall have their sections strongly bolted together and shall be so situated that they cannot fall on any part of the elevator or machinery, and shall be suspended in guides in such a manner that they will run freely without danger of being detached.

Protection
on elevator.

(240) Every elevator on which any person travels shall be provided with side casing, and shall have a door or doors extending at least five feet above the bottom of the elevator, and the top shall be covered with suitable protective roofing.

Safety
catches.

(241) Every elevator on which any person travels shall be provided with efficient safety catches capable of holding the elevator and twice the maximum load in any position in the hoistway. When the safety catches are operated through shafts, all the levers and safety catches shall be keyed to the shafts.

Rules Governing Use of Electricity.

(242) In these Rules,—

“Cut-out.”

(a) “Cut-out” shall mean any device, such as a fuse or circuit-breaker, by which the electrical continuity of a conductor may be automatically broken by changes in current or voltage;

“Discon-
nector.”

(b) “Disconnecter” shall mean a switch which is intended to open a circuit only after the load has been thrown off by some other means;

“Electrical
supply
station.”

(c) “Electrical supply station” shall mean any building, room or separate space within which is located electrical supply equipment and which is accessible, as a rule, only to properly qualified persons, and shall include generating stations and substations and generator, storage battery and transformer rooms;

“Grounded.”

(d) “Grounded” shall mean connected to earth or to some extended conducting body which serves instead of earth, and this ground connection may be at one or more points;

“Panel-
board.”

(e) “Panelboard” shall mean a single panel containing busses, fuses and switches to control lights, and devices of small individual as well as aggregate capacity, placed in or against a wall or partition and accessible only from the front;

“Reconstruc-
tion.”

(f) “Reconstruction” shall mean replacement of any portion of an existing installation by new equipment or construction, but shall not include ordinary maintenance replacements;

- (g) "Switch" shall mean a device for opening or closing "Switch." or changing the connections of a circuit manually, and in these rules a "switch" is always to be understood as operated manually, unless otherwise stated;
- (h) "Switchboard" shall mean a large single panel or "Switch-board." assembly of panels on which are mounted switches, fuses, busses and usually instruments, and accessible both in front and in rear. Circuits and machinery of relatively large capacity are controlled from such boards;
- (i) "Utilization equipment" shall mean equipment, "Utilization equipment." devices and connected wiring, which utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of supply equipment;
- (j) "Voltage" or "volts" shall mean the highest effective "Voltage," voltage between the conductors of the circuit con- "volts," cerned, except that in grounded multi-wire circuits, "voltage to ground." not exceeding 750 volts between outer conductors, it means the highest effective voltage between any wire of the circuit and the ground, and in ungrounded, low-voltage circuits "voltage to ground" shall mean the voltage of the circuit;
- (k) "Wire gauge" shall mean the standard known as "Wire gauge." Brown and Sharpe (B. & S.).

General Rules.

(243) Where electrical apparatus or machinery is used at any mine it shall be in charge of an authorized person, who shall be qualified by experience to handle such apparatus or machinery. Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent for the work that he is set to do. Repairs, extensions and changes shall be made to existing electrical equipment and conductors only by authorized persons. Competent person in charge.

(244) No person, other than the person authorized by the owner, manager, or superintendent, shall enter an electrical supply station or interfere with the workings of any machine, transformer, motor, or apparatus connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked. Supply stations to be inaccessible to unauthorized persons.

(245) All electrical equipment shall be of such construction and so installed and maintained as to reduce the life and fire hazard as far as practicable. General requirements.

Inspections
and repairs.

(246) Electrical equipment shall comply with these rules when placed in service, and shall thereafter be periodically inspected and, when necessary, cleaned. Defective equipment shall be put in good order or permanently disconnected. Defective wiring shall be repaired or removed.

Exceptions.

(247) Electrical utilization equipment as well as generating equipment, if enclosed in a separate room which is inaccessible to unauthorized persons, and when in service is under the control of a qualified electrical operator whose attention is not distracted by other processes, shall be considered as electrical supply station equipment, and such exceptions as are made to the general rules for supply stations shall apply to these installations.

Identification
of
equipment.

(248) All electrical equipment shall be suitably identified where necessary for safety. The voltage and intended use shall be shown, where important.

General Grounding Rules.

Circuits to be
grounded.

(249) All circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having primary voltage exceeding 750 volts. Three-wire single-phase circuits and three-wire direct-current circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Equipment
to be
grounded.

(250) Electrical equipment shall, when practicable, have the exposed non-current-carrying parts, such as frames of motors, generators, switchboards, cases of transformers, oil switches and instruments and casings or wiring and conductors, permanently grounded:

(a) For all equipment over 150 volts;

(b) For all equipment where metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls (such as damp wood, concrete or rock underground). Grounded surfaces within five feet horizontally of the parts considered, or within eight feet vertically of the floor, shall be considered within reach.

Equipment
and wire
runways.

(251) The point at which the ground conductor is attached to the equipment or wire runways, shall be readily accessible.

Material and
continuity of
ground con-
ductor.

(252) The ground conductor shall be of copper or other metal which will not corrode excessively under the existing conditions and, if practicable, shall be continuous. Ground connections from circuits shall not be made to jointed piping

within buildings, except that water or air piping beyond any point which is liable to disconnection may be used.

(253) For grounding circuits the ground conductors shall have a carrying capacity equal to that of the circuit and shall never be less than No. 6, B. and S. Size of ground conductor.

(254) For electrical equipment the current-carrying capacity of a ground conductor shall not be less than that provided by a copper wire of the size indicated in the following table. When there is no cut-out protecting the equipment, the size of the ground wire shall be determined by the design and the operating conditions of the circuit: Idem.

Capacity of nearest automatic cut-out	Required size ground conductor B. & S. gauge
0 to 200 amperes.....	6
201 to 500 amperes.....	4
Over 500 amperes.....	2

(255) In portable cord to portable equipment protected by fuses not greater than ten ampere capacity, No. 16 ground wire may be used.

(256) Ground conductors shall have mechanical protection and insulating guards extending for a distance of not less than eight feet above any ground, platform or floor. If attached to buildings ground conductors shall be supported on insulators and shall be protected by porcelain bushings through floors, partitions or walls. Protecting ground wire.

(257) Main water or air lines may be used for grounds, provided that connection is made at a point where the pipe is not liable to disconnection for alteration or repairs. Main water or air lines may be substantially bound together for this purpose, but shall, unless connected to a buried piping system of considerable extent, be connected to an artificial ground. Character of ground.

(258) The ground connection to metallic piping systems shall be made by sweating a ground wire into a lug attached to a suitable clamp and firmly bolting the clamp to the pipe, after all rust and scale have been removed, or by any other equivalent method. Method of connection.

(259) Artificial grounds shall be located, where practicable, below the permanent moisture level, or, failing this, at least six feet deep. Each ground shall present not less than four square feet of surface to the exterior soil. Areas where the ground-water level is close to the surface shall be used where available. Artificial grounds.

Where separate ground conductors required.

(260) Ground conductors shall be run separately to the ground (or to a sufficiently heavy grounding bus or system ground cable which is connected to ground at more than one place) from equipment and circuits of each of the following classes: (1) lightning arresters; (2) secondaries connected to low-voltage lighting or power circuits; (3) secondaries of current and potential transformers and cases of instruments on these secondaries; (4) equipment operating in excess of 750 volts; (5) frames of utilization equipment or wire runways other than covered by item (4).

Lightning arrester grounds.

(261) Lightning arrester ground connections shall not be made to the same artificial ground (driven pipe or buried plate) as circuits or equipment, but shall be well spaced, and, where practicable, at least twenty feet from other artificial grounds.

Working Space about Electrical Equipment.

Utilization equipment.

(262) Suitable working space shall be provided and maintained about all electrical equipment. Where adjacent to exposed live parts such working spaces shall be so arranged that they will not be used as passageways. The working space shall, where practicable, have minimum horizontal dimensions, where adjacent to exposed parts within eight feet of the floor, as follows: (1) parts above 150 volts to ground, if on one side, 2.5 feet; if on two sides, 4 feet; (2) parts below 150 volts to ground, if on one side, 1.5 feet; if on two sides, 2.5 feet.

Supply station equipment.

(263) In supply station equipment the following clearances only need be maintained: (1) parts from 300 up to 750 volts, if on one side, not less than 2.5 feet; if on two sides, not less than 3 feet; (2) parts above 750 volts, if on one side, not less than 3 feet; if on two sides, not less than 5 feet.

Guarding or Isolating Live Parts.

Guarding current-carrying parts.

(264) In supply station equipment, current-carrying parts shall be guarded unless they are maintained at the following distances above the floors which may be occupied by persons:

Voltage of conductors	Elevation in feet
300 to 750	7
750 to 2,500	7.5
2,500 to 7,500	8
7,500 to 30,000	9
30,000 to 70,000	10
70,000 to 100,000	12

Idem.

(265) All exposed current-carrying parts of electrical equipment such as bus bars, conductors and terminals operating at over 150 volts and not isolated by an elevation of at least eight feet, shall be provided with suitable permanent enclosures

or other guards arranged so as to prevent persons or conducting objects from inadvertently coming (or being brought) in contact with the parts in question.

(266) Where the current-carrying parts at over 150 volts, *Idem.* or in supply stations at over 300 volts to ground, must necessarily be exposed (unguarded) within eight feet, or in supply stations within the limits called for in rule 264, from the floor line, all surrounding conducting floors shall be covered with suitable insulating platforms, mats or other insulating devices.

(267) Where the current-carrying parts operate at over *Idem.* 7,500 volts, enclosing or barrier guards shall always be provided, even when insulating mats are also provided.

Storage Batteries.

(268) Storage batteries in rooms used also for other purposes shall be adequately guarded or enclosed. Means shall be provided, if necessary, to prevent dangerous accumulations of inflammable gas. Batteries whose operating voltage exceeds 50 volts shall be installed in conformity with the general rules covering equipment. Protection of storage batteries.

Transformer Rules.

(269) Secondary circuits of current transformers shall be provided with means for short-circuiting them which can be readily connected while the primary is energized, and which are so arranged as to permit the removal of any instrument or other device from such circuits without opening the circuits. Protecting instrument transformers.

(270) When primaries are above 7,500 volts secondary *Idem.* circuits of current and potential transformers, unless otherwise adequately protected from injury or contact of persons, shall be in permanently grounded conduit.

(271) The low-voltage circuit of all instrument transformers *Idem.* shall be permanently grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers.

(272) Oil immersed transformers shall not be mounted on or above combustible roofs or attached to any building not of fireproof construction other than a transformer house and if within a building other than a transformer house shall be in a fireproof compartment, suitably drained and ventilated to outdoors, the door openings to be provided with not less than six-inch non-combustible sills. Oil immersed transformers.

Transformer stations to be fireproof.

(273) Transformer stations, if not entirely of fireproof construction, shall be located at least fifty feet distant from other buildings.

Lightning Arrester Rules.

Inaccessible to unauthorized persons.

(274) If the operating voltage of the circuit exceeds 750, the lightning arresters shall be made inaccessible to unauthorized persons.

Location.

(275) Lightning arresters, when installed inside of buildings, shall be located as far as practicable from all other equipment and from combustible parts of the building.

Provisions for disconnecting.

(276) Lightning arresters on circuits over 7,500 volts and all lightning arresters which may require work to be done upon them from time to time, shall be so arranged, isolated, and equipped that they may be readily disconnected by air-break manual disconnectors.

Ground wires.

(277) Ground wires shall be run as directly as possible and be of low resistance and ample capacity. In no case shall ground wires be less than No. 6 copper wire. Ground conductors for lightning arresters shall not pass through iron or steel conduits unless electrically connected to both ends of such conduits.

Grounding non-current-carrying parts.

(278) All non-current-carrying parts of the arresters shall be grounded, unless effectively isolated by elevation, or guarded as required for live parts of the voltage of the circuit to which the arrester is connected, and suitably identified as to that voltage.

Guarding live parts.

(279) All current-carrying parts of arresters on circuits above 750 volts, unless effectively isolated by elevation, shall be adequately guarded to protect persons from inadvertent contact with them, or from injury by arcing. Guarding shall comply with rules 265 and 283.

Conductors.

Electrical protection of conductors.

(280) Conductors shall be suitable for the location, use and voltage and each conductor (except neutral conductors, ground wires, and conductors of circuits, the opening of which may cause special hazard by interruption of service or removal of protection), shall be protected against excessive current by suitable automatic cut-out or by the design of the system.

Cut-outs omitted.

(281) All conductors normally grounded for the protection of persons shall be arranged without automatic cut-outs interrupting their continuity between the sources of electrical supply and the point at which the ground wire is attached,

unless the cut-out opens all the conductors of the system with one operation.

(282) All conductors where not protected by conduit or armoured shall have approved insulation and shall be mounted on cleats, porcelain knobs or insulators and shall be separated from contact with floors, walls or partitions by tubes of incombustible insulating material. Insulating conductors.

(283) All fixed conductors operating at over 150 volts or in supply stations at over 750 volts unless isolated by an elevation of at least eight feet shall be enclosed in grounded metal conduit, grounded metal sheathing or shall be guarded by permanent screens or enclosures. Isolating conductors.

(284) Bare conductors shall be used only for switchboard, panelboard, storage-battery connections or for open wiring at voltages exceeding 2,400 volts in supply stations or for electrolytic low-voltage furnaces and similar connections, or for trolley wires and other contact conductors. Except at points where permanent ground connections are made such conductors within buildings shall be kept insulated from the ground. Use of bare conductors.

(285) Temporary wiring and equipment, which is not in compliance with these rules, may be used, but only when under competent supervision, or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons. Temporary wiring.

Fuses, Cut-outs, Switches and Controllers.

(286) All switches, automatic cut-outs, controllers, starting rheostats, auto starters and other control devices shall be readily and safely accessible to authorized persons; they shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them, and to indicate whether they are open or closed. They shall be so installed, where practicable, that they cannot be closed by gravity and such switches as close by gravity shall be provided with a proper stop block or latch to prevent accidental closing. General requirement of switches.

(287) Suitable switches shall be inserted in all circuit leads to generators, motors, transformers, storage batteries, electric furnaces and similar equipment except between parts or pieces of apparatus intended to operate as a unit. Switches required for equipment.

(288) Suitable switches shall be inserted in all feeder conductors connecting utilization installations to service connections from either overhead or underground lines. These switches shall be readily accessible, and as close as practicable Switches required in feeders.

to the point of connection with the overhead or underground lines.

Switches for temporary wiring.

(289) Switches or plug connectors shall be placed in all circuit leads at the point where temporary wiring or portable conductors are connected to the permanent wiring.

Capacity of switches.

(290) Switches used otherwise than as disconnectors shall have a rated capacity such as to insure safe interruption, at the working voltage, of the greatest current which they may be required to carry continuously, and shall be marked with the current they can safely interrupt.

Switches to have sufficient rupturing capacity.

(291) All cut-outs, switches, circuit breakers and other apparatus used for opening or closing an electric circuit shall be of such design as to operate safely on the system from which the circuit is energized.

Disconnectors.

(292) Disconnectors shall be of suitable voltage and ampere rating for the circuit in which they are installed and shall be accessible only to qualified persons. They shall also be protected by signs warning against opening the switch while carrying current in excess of the safe opening limit.

Locking or tagging switches.

(293) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus.

Good contact required on switches.

(294) Switches, controllers and rheostats shall be so constructed as to make and maintain good contact. Knife switches shall maintain such alignment under service conditions that they may be closed with a single, unhesitating motion.

When air-break switches needed.

(295) Unless a switch operating on a circuit above 300 volts makes an air-break there shall, if equipment controlled by such switch requires adjustment or repairs while the conductors leading to such switch are still alive, be installed between it and the source of energy supply a suitable air-break disconnector.

Enclosing live parts of switches.

(296) All manual switches over 150 volts to ground or in supply stations over 300 volts to ground shall have suitable casings or guards protecting the operator from the danger of contact with current-carrying parts or being burned by arcing at the switch.

Guarding switches above 300 volts.

(297) All switches interrupting circuits over 300 volts shall be operated by means of remote control mechanism or be provided with suitable casings protecting the operator from danger of contact with current-carrying parts, except as provided in rule 300.

(298) The control device for switches shall indicate whether the switches are open or closed.

Control device indicator.

(299) Switches shall, if practicable, be so connected that switch blades will not be alive when in the open position.

Connections to switches.

(300) Where switches, disconnectors, and fuses above 750 volts are ordinarily guarded by covers or enclosed in separate rooms, but must occasionally be operated without such protection, either by removal of the covers or by entrance into the rooms, adequate working space shall be provided about the live parts so that the operator will not be required to bring any part of his body within the following horizontal distances:

Working spaces about ordinarily guarded switches.

Voltage of parts	Distance in feet
750 to 7,500	1
7,500 to 30,000	2
30,000 to 50,000	3
50,000 to 70,000	4
70,000 to 100,000	5

(301) On circuits up to 300 volts to ground, where fusible cut-outs are not so arranged that they are necessarily disconnected from all sources of electrical energy before the ungrounded current-carrying parts can be touched, switches shall always be so placed or arranged that opening them will disconnect the fuses from all sources of electrical energy.

Switches to be placed before fusible cut-outs.

(302) Fusible cut-outs above 300 volts to ground shall be in a cabinet or otherwise made inaccessible to all but authorized persons, and switches shall be so placed and arranged that opening them will disconnect the fuses from all sources of electrical energy.

Protecting fusible cut-outs above 300 volts.

(303) All fusible cut-outs shall be installed in approved fireproof cabinets.

Fuses in fireproof cabinets.

(304) The rated capacity of the fuses shall not exceed the allowable current-carrying capacity of the conductor.

Capacity of fuses.

Switchboards.

(305) Switchboards and panel boards shall have all switches arranged so that the means of control are readily accessible to the operator.

Switchboards to be readily accessible.

(306) Instruments, relays or other devices requiring reading or adjustment shall be so placed that the work can be readily performed from the working space provided.

Switchboards to be convenient for operation.

(307) Switchboards shall be so placed that the person operating them will not be endangered by machinery or

Location and lighting of switchboards.

equipment located near the board. Means for adequate illumination shall be provided.

Protecting
against short
circuiting on
switch-
boards.

(308) Exposed bare parts of different potentials on any switchboard or panelboard shall be as few as practicable and these shall be effectively separated.

Guarding
current-
carrying
parts of
switch-
boards.

(309) All switchboards and panelboards having exposed current-carrying parts operating at over 150 volts to ground shall, when practicable, be suitably encased in locked cabinets, screens, or rooms, or other enclosures to make them inaccessible to other than authorized operators. Conducting floors about such boards and in supply stations about boards having equipment operating at over 300 volts to ground shall be provided with suitable insulating platforms or mats so placed that no person can inadvertently touch live parts unless standing on an insulating platform or mat.

Switch-
boards below
150 volts
accessible to
unauthorized
persons.

(310) Where switchboards or panelboards at voltages below 150 to ground are accessible to other than authorized operators they shall, where practicable, be enclosed in cabinets or screens as an effective precaution against accidental short circuit at times when no operation of the board necessitates the opening of the cabinet or screen.

Motor Control Devices.

Motor
control
devices.

(311) Manually controlled starters for all D.C. motors and for all A.C. motors over five horsepower shall be so designed and the circuits so arranged that they return automatically to the "off" position upon the failure of the energy supply, except where the motors and their starting devices are, during operation, under the supervision of qualified persons and equivalent protection is otherwise provided.

Protecting
motors
against
overload.

(312) Each motor shall be protected against excessive overload current by cut-out or automatic circuit breaker. Any such overload device shall interrupt the circuit at fifty per centum over normal motor-current rating. An auto starter which disconnects all wires of the circuit automatically under overload when in the running position may be used as a circuit breaker.

Illuminating Supply Stations.

Lighting for
supply
stations.

(313) Rooms and spaces shall have good artificial illumination. Arrangement of permanent fixtures and plug receptacles shall be such that the portable cords need not be brought into dangerous proximity to live electrical apparatus. All lamps shall be arranged to be controlled, replaced, or trimmed from readily accessible places.

(314) A separate emergency source of illumination, from an independent generator, storage battery, lanterns or other suitable source, shall be provided in every station where an attendant is located. Emergency lighting for supply stations.

Fire-Fighting Appliances.

(315) Each room or space where an operator is in attendance shall be provided with an adequate approved fire extinguishing appliance conveniently located and conspicuously marked. No chemical appliance which has not been approved for use on live parts shall be placed in any room containing electric apparatus or exposed lines. Fire-fighting appliances.

Lighting Fixtures.

(316) Electric fixtures, such as lamp sockets and lamp bases, plugs, receptacles, etc., shall be so installed that no current-carrying parts shall normally be exposed externally when these parts are within reach of grounded surfaces. (See rules 265, 266, and 267.) The high-temperature current-carrying parts of radiant heaters are exempted. Guarding current-carrying parts of lighting fixtures.

(317) Portable lamps shall not be connected to circuits operating at over 300 volts to ground. Portable lamps.

(318) In locations where exposed to dampness or mechanical injury, portable conductors shall be of reinforced weather-proof cord, and, when necessary, armoured. Portable conductors exposed to injury.

(319) In locations where exposed to dampness or mechanical injury, portable lamps shall have their sockets enclosed in wood or composition handles, through which the conductor shall be carried, and shall have a substantial wire cage which encloses the lamp. A hook for hanging the lamp shall be attached either to the cage or to the handle. Style of portable lamps permitted.

Trolleys and Portable Apparatus.

(320) Trolley or crane collector wires, whether indoors or out, shall, where practicable, be elevated at least eight feet above the rail level and be provided with suitable guards so arranged that persons cannot inadvertently touch the current-carrying parts while in contact with the ground or with conducting material connected to the ground. Guarding trolley or crane collector wires.

(321) In tunnels or under bins or in similar locations where trolley wires are necessarily less than eight feet above the rail level, the operating voltage shall not exceed 300 and the wires shall be efficiently guarded to prevent accidental contact of person. Operating voltage in tunnels, etc.

Portable and
pendant
conductors.

(322) Portable and pendant conductors shall not be installed or used on circuits operating at over 150 volts to ground, unless they are accessible only to persons authorized to approach them. In such cases they shall be of a type suitable to the voltage and conditions.

Cranes and Elevators.

Disconnec-
tions for cars
and cranes.

(323) Readily accessible means shall be provided whereby all conductors and equipment located in or on cars or cranes may be disconnected entirely from the source of energy at a point as near as possible to the trolley or other current collector.

Switch re-
quired on
cars and
cranes.

(324) A circuit breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the trolley wire.

Telephone Exposed By Supply Lines.

Protecting
telephone
equipment
exposed by
high
voltage.

(325) Telephone or other signal apparatus which must be handled by persons and which is connected to overhead signal circuits exposed by supply lines over 400 volts to ground shall be protected as follows:

(a) By fuses and arresters;

(b) All exposed non-current-carrying metal parts shall be permanently grounded; or, the apparatus shall be installed in such a way that a person using it will be obliged to stand on an insulated platform, in an insulated booth, or on other insulating surfaces.

Protecting
telephone
signal equip-
ment exposed
to induced
voltage.

(326) Telephone or signal apparatus which is connected to a line which parallels a supply circuit of high voltage in such a manner as to be exposed to induced voltage shall be protected by transformers and shall comply with the requirements of rule 325.

Transmission Lines.

Design and
construction
of supply
lines.

(327) All electrical supply lines and equipment shall be of suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce the life hazard as far as practicable.

Guarding
supply lines.

(328) Conductors and other current-carrying parts of supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible, or shall be provided with guards so as to effectively isolate them from accidental contact of person.

(329) Where supply lines over 300 volts to ground are attached to any buildings, for entrance, they shall be permanently guarded if accessible. Entrance to buildings.

(330) Supply lines carried over railways operated by steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and clearances overhead as called for in the regulations of the Board of Transport Commissioners for Canada. Supply lines crossing over railways on which standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. Clearance required by supply lines over railways.

(331) At all underground stations where any cable transmitting power at a potential exceeding 300 volts leaves the shaft, a room or junction box shall be provided into which such cable shall be run. Room or junction box underground.

(332) Junction boxes on any cable transmitting power at a potential exceeding 300 volts shall not be located in any shaft or winze or attached to any timbers at a shaft or winze station or in a headframe. Splice boxes for cable extension in a shaft or winze shall be of a type approved by the Inspector. Junction or splice boxes.

(333) (a) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per centum higher than the normal operating voltage. Rating of cables and circuit breakers underground.

(b) All circuit-breakers, cut-outs and disconnecting switches on circuits exceeding 750 volts shall have a voltage rating of fifty per centum higher than the normal operating voltage and shall be located in a room which may be kept locked.

(c) The type and location of transformers installed underground shall be subject to the approval of the Inspector. Transformers, type and location.

(334) Where electrical energy is taken underground provision shall be made so that the current can be cut off on the surface close to the point where it is led underground. The cut-off switch or switches shall be situated in a locked building or compartment and shall be accessible only to an authorized person or persons. Switches on underground cables.

(335) The bases of electric motors, transformers, starting equipment and other electrical apparatus and the compartments in which such are installed shall be of such material and constructed in such manner as to reduce the fire hazard to a minimum. No inflammable material shall be stored or placed in the same compartment with any such equipment or apparatus. Fire prevention about electrical installations.

Conduits
required.

(336) All cables over 150 volts transmitting power underground shall be armoured or enclosed in standard conduit and substantially supported.

Conduits or
insulators
for lighting
circuits.

(337) Wires carrying not over 150 volts to ground for lighting and signal circuits shall either be installed in standard conduits or casings, or suspended from and securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used.

Grounding
of casings.

(338) The armouring or casing of cables, mentioned in rules 336 and 337, shall be bonded together so as to be electrically continuous, and shall be connected at some point or points to a satisfactory ground.

Method of
grounding.

(339) All rules governing grounding of electrical apparatus in general work shall apply equally to underground work.

Precautions
to protect
signal and
telephone
wires.

(340) Adequate precautions shall be taken to prevent electrical signal or telephone wires, whether insulated or not, coming into contact with other electrical conductors.

Rules Governing Electric Hoists.

Testing for
overloading.

(341) When the Inspector has cause to believe that the shaft conveyance operated by any electric hoist is being overloaded he shall have the power to order a test to be made.

Damage to Property.

Wilful
damage.

(342) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, electrical equipment or other appliance or thing provided in any mine in compliance with this Act.

General.

Persons
under the
influence of
or carrying
liquor.

(343) No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion.

Abstract of
rules
to be posted.

(344) Abstracts of the rules contained in this Act, authorized by the Chief Inspector, shall be posted up in suitable places at the mine or works where the same can be conveniently read and the owner or agent of the mine shall maintain such abstracts, duly posted, and the removal or destruction of the same shall be an offence against this Act.

22. Sections 164 and 165 of *The Mining Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 47, ss. 164,
165, re-
enacted.

Notice of Accidents.

- 164.—(1) Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes loss of life to any person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the inspector resident in that part of Ontario in which the accident occurred and the Chief Inspector by telephone or telegraph.
- (2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until an inspector has completed an investigation of the circumstances surrounding such accident.
- (3) Where it is impossible for an inspector to make an immediate investigation of an accident the Chief Inspector or any inspector may permit such wreckage, articles and things at the scene of or connected with the accident to be moved to such extent as may be necessary to permit the work of the mine, metallurgical works, quarry, sand, clay or gravel pit to be proceeded with, provided photographs or drawings showing details of the scene of the accident have been made prior to such moving.
- (4) Section 13 of *The Coroners Act* shall not apply in the case of any fatal accident to which this section applies.
- 164a. Where, in or about any mine, metallurgical works, quarry, sand, clay or gravel pit, any accident occurs which causes fracture or dislocation of any bones of the body, or any other injury which in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days, to any person employed therein, the owner, agent, manager or superintendent shall within three days of the accident send notice in writing to the inspector resident in that part of Ontario in which the mine or works are situate on the form prescribed for such purpose.

Fatal
accidents.

Scene to be
undis-
turbed.

Permission
to alter
scene.

Rev. Stat.,
c. 138, s. 13
not to
apply.

Notice of
accident to
be sent to
inspector.

Idem.

164b. Where in or about any mine,—

- (a) any accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyances, or shaft or winze timbering;
- (b) any inrush of water from old workings or otherwise;
- (c) any failure of an underground dam or bulk-head, as defined by rule 35 of the rules contained in section 160;
- (d) any outbreak of fire below ground or any outbreak of fire above ground if it endangers any structure at the mine entrance;
- (e) any premature or unexpected explosion or ignition of explosives;
- (f) any asphyxiation effecting a partial or total loss of physical control;
- (g) any inflammable gas in the mine workings; or
- (h) any unexpected and non-controlled extensive subsidence or caving of mine workings;

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after such occurrence, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereof as the inspector may require.

Rockburst.

164c.—(1) Where a rockburst occurs whether or not loss of life or personal injury is caused thereby and the location of such rockburst is determined as being within the workings of any mine, the owner, agent, manager or superintendent of the mine shall, within the twenty-four hours next after the location of such burst has been determined, send notice in writing to the inspector resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars in respect thereto as the inspector may require.

- (2) A record of the occurrence of all rockbursts at a mine shall be kept, showing as far as possible the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst and such record shall be available at all times to the inspector.

Record of
rockbursts.

Other Notices and Information.

- 165.—(1) The owner, manager or superintendent of a mine shall give written notice to the Chief Inspector,—

Notice to
Chief
Inspector.

- (a) of the intended installation of a power plant or hoist or intended erection of any buildings to house a power plant or hoist at least fourteen days prior to the commencement of such installation or erection;
- (b) of the commencement or resumption after an interruption of one month or more, of mining operations within fourteen days after such commencement or resumption; and
- (c) of the closing down of the mine and that the requirements of subsection 1 of section 157 as to the fencing of the top of the shaft, entrances from the surface, pits and openings; the requirements of rule 54 of the rules under section 160 as to the disposal of explosives and the requirements of subsection 4 of section 167 as to the filing of plans and sections have been complied with within fourteen days of such closing down.

- (2) The owner, manager or superintendent of a mine shall furnish to the inspector resident in that part of Ontario where the mine is situate, all information which the inspector may require for the purposes of the annual return of such inspector.

Information
for
inspector.

23. Subsections 5 and 7 of section 167 of *The Mining Act* are repealed and the following substituted therefor:

Rev. Stat.
c. 47, s. 167,
subs. 5 re-
enacted;
subs. 7 re-
pealed.

- (5) The owner of every mine, quarry or other works to which this section applies shall be responsible for compliance with the provisions thereof and every owner or other person who fails to comply with any

Responsibility of
owner.

of the provisions of this section, or who produces to the inspector or other authorized person, or files or causes to be produced or filed a plan which to his knowledge is false in any particular, shall be guilty of an offence against this Act.

Rev. Stat.,
c. 47,
amended.

24. *The Mining Act* is amended by adding thereto the following Part:

PART VIIIA.

REFINERY PROVISIONS.

Interpreta-
tion.

170a. In this Part,—

“Refinery.”

(a) “Refinery” shall mean any apparatus or equipment which may be used for the refining, retorting, smelting, assaying or treating by any other method, of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein.

Refinery
license.

170b. No person shall own, operate, use or have any refinery in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant unless a refinery license has been granted in respect of such refinery, provided that no refinery license shall be required in respect of a refinery for which a certificate of exemption has been issued.

Powers of
Minister as
to refinery
licenses.

170c.—(1) The Minister may,—

- (a) issue and renew refinery licenses and certificates of exemption;
- (b) refuse to issue or renew a refinery license or certificate of exemption, or suspend, cancel or revoke any refinery license or certificate of exemption for any reason which he deems sufficient in the public interest;
- (c) prescribe the forms of refinery licenses, certificates of exemption, applications therefor and renewals thereof; and

(d) prescribe the fee payable upon the issue and renewal of refinery licenses and certificates of exemption.

- (2) Every refinery license and certificate of exemption shall expire on the 31st day of March next following the issue thereof and every renewal of a refinery license or certificate of exemption shall expire on the 31st day of March next following the expiration of the refinery license or certificate of exemption or the last renewal thereof. Term of license and certificate of exemption.

170d.—(1) A certificate of exemption may be issued in respect of a refinery where the Minister is satisfied that such refinery is not maintained or used for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein or is used only for educational purposes. Certificate of exemption.

- (2) No person who owns or has in his possession, under his control or upon any property of which he is the owner, licensee, lessee or tenant a refinery in respect of which a certificate of exemption has been issued shall permit such refinery to be operated or used nor shall he or any other person operate or use such refinery for the refining, retorting, smelting, assaying or treating of any ore, mineral or substance for the purpose of recovering or determining the quantity of gold, platinum, silver or any other precious metal therefrom or therein. Use of refinery.

170e. Every person who violates any of the provisions of this Part shall be liable to a penalty of not less than \$10 and not exceeding \$500 or to imprisonment for a period not exceeding one year, or to both fine and imprisonment. Penalty.

170f. The provisions of this Part shall apply notwithstanding that the owner or operator of a refinery is the holder of a license issued under the provisions of *The Unwrought Metal Sales Act* or of any other Act. Application of Part VIIIA. Rev. Stat., c. 52.

170g. The Minister may appoint any person to conduct an inquiry into any charge or complaint that any person has violated or failed to observe any of the provisions of this Part, or into any matter or thing connected with or arising out of the operation of this Part, and such person shall have the same power to enforce the attendance of witnesses and to compel Commission of inquiry.

them to give evidence and produce documents and things as is vested in any court in civil cases.

Rev. Stat.,
c. 47, s. 171,
cl. g,
amended.

25. Clause *g* of section 171 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA" so that the first part of the section and clause *g* shall now read as follows:

Description
of offences.

171. Every person who,—

(*g*) wilfully acts in contravention of the provisions of this Act other than Part VIII or Part VIIIA in any particular not hereinbefore set forth; or

Rev. Stat.,
c. 47, s. 175,
subs. 1,
amended.

26.—(1) Subsection 1 of section 175 of *The Mining Act* is amended by inserting after the Roman numerals "VIII" in the second line the words and numerals "or Part VIIIA," so that the first three lines of the said subsection shall now read as follows:

Instituting
prosecutions
for offence
against
Parts VIII
and VIIIA.

(1) No prosecution shall be instituted for an offence against Part VIII or Part VIIIA or any regulation made in pursuance thereof except,—

Rev. Stat.,
c. 47, s. 175,
subs. 2,
amended.

(2) Subsection 2 of the said section 175 is amended by adding at the end thereof the words and numerals "or Part VIIIA" so that the said subsection shall now read as follows:

When person
not actual
offender not
liable.

(2) No person not being the actual offender shall be liable in respect of such offence, if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of Part VIII or Part VIIIA.

Rev. Stat.,
c. 47, s. 175,
subs. 3, re-
enacted.

(3) Subsection 3 of the said section 175 is repealed and the following substituted therefor:

Onus of
proof.

(3) The burden of proving that any rule contained in section 160 has been suspended shall be upon the person charged with a violation thereof and any such suspension may be proved by the evidence or certificate of an inspector.

Rev. Stat.,
c. 47, s. 176,
subs. 1,
amended.

27. Subsection 1 of section 176 of *The Mining Act* is amended by striking out the words "a justice" in the fourth line and inserting in lieu thereof the words "two justices," and by striking out the words "or a recorder" in the sixth line, so that the said subsection shall now read as follows:

- (1) Except as to offences against section 14 every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a magistrate or two justices of the peace having jurisdiction in the county or district in which the offence is committed, or before the Mining Court, and save as herein otherwise provided, the provisions of *The Summary Convictions Act* shall apply to every such prosecution.

Procedure
on prosecutions.

Rev. Stat.,
c. 136.

28. Subsections 1 and 2 of section 182 of *The Mining Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 182,
subss. 1, 2,
re-enacted.

- (1) The Lieutenant-Governor in Council may make such regulations as he may deem necessary providing for,—
- (a) the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or land for the conveying and passage of water for mining purposes;
- (b) to meet cases which may arise for which no provision is made in the Act, or when he deems the provision made to be ambiguous or doubtful;
- (c) the imposition of penalties not exceeding \$200 or not exceeding three months imprisonment for the violation of any such regulations; and
- (d) generally for the better carrying out of the provisions of this Act.
- (2) The Lieutenant-Governor in Council may, where special circumstances warrant such action issue a lease or patent of any mining lands on such terms and conditions as he may deem proper and for the purposes of any such lease or patent may suspend or vary any requirement of the Act in so far as it relates thereto.

Lieutenant-
Governor in
Council may
make regula-
tions.

Lieutenant-
Governor in
Council may
issue lease or
patent.

29. Section 186 of *The Mining Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 47, s. 186,
amended.

- (3) Notwithstanding anything contained in *The Mines Act*,

Minister
may extend
time.

Act, being chapter 36 of the Revised Statutes of Ontario, 1897, or any other Act, or the expiration of any period of time therein stipulated or the failure to comply with any requirements of any such Act, the Minister may extend the time for the performance of any work upon a mining location leased under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897, and the filing of any proof thereof required under the provisions of *The Mines Act*, provided that upon failure to perform such work or file such proof within the extended time the lease may be cancelled as provided by subsection 2.

Rev. Stat.,
c. 47, s. 187,
subs. 4, re-
enacted.

30. Subsection 4 of section 187 of *The Mining Act* is repealed and the following substituted therefor:

Co-owners;
co-lessees.

(4) For the purpose of this section an incorporated company and a shareholder therein shall be deemed to be co-owners or co-lessees of the lands of such company.

Order
against in-
corporated
company.

(5) An order made against an incorporated company under this section shall be directed to such company only.

Rev. Stat.,
c. 47,
Sched. A,
par. 6, re-
enacted.

31. Paragraph 6 of Schedule A to *The Mining Act* is repealed and the following substituted therefor:

6. The fee for a miner's license or renewal thereof for a duly incorporated company, or a company licensed under *The Extra Provincial Corporations Act* to carry on business in Ontario, shall be based on the authorized capital, according to the following scale, namely,—

- (a) Where the authorized capital does not exceed \$50,000 or 50,000 shares of no par value. \$ 25.00
- (b) Where the authorized capital is over \$50,000 or 50,000 shares of no par value but does not exceed \$500,000 or 500,000 shares of no par value. 50.00
- (c) Where the authorized capital exceeds \$500,000 or 500,000 shares of no par value but does not exceed \$1,000,000 or 1,000,000 shares of no par value. . . 100.00
- (d) Where the authorized capital exceeds \$1,000,000 or 1,000,000 shares of no

par value, but does not exceed
\$3,000,000 or 3,000,000 shares of no
par value. 125.00

(e) Where the authorized capital exceeds
\$3,000,000 or 3,000,000 shares of no
par value. 150.00

Provided that where the authorized capital of a company exceeds \$1,000,000 or 1,000,000 shares of no par value, and it is by affidavit of the president or secretary thereof proved to the satisfaction of the Minister that any part of such capital is actually being used in some other business enterprise, and not in mining business within Ontario, such part may be deducted in fixing the fee payable as above set forth, but in no such case shall the fee be less than \$50.00.

32. Part VIIIA of *The Mining Act*, as enacted by section ^{Commence-}24 of this Act, shall come into force on a day to be named by ^{ment of}s. 24. the Lieutenant-Governor by his Proclamation.

33. This Act may be cited as *The Mining Amendment* ^{Short title.}
Act, 1939.

CHAPTER 28.

An Act to amend The Mortgages Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Mortgages Act* is amended by adding thereto the following section: Rev. Stat.
c. 155,
amended.

17a.—(1) Notwithstanding any stipulation to the contrary in a mortgage, where a mortgagor has conveyed and transferred the equity of redemption to a grantee under such circumstances that the grantee is by express covenant or otherwise obligated to indemnify the mortgagor with respect to the mortgage, the mortgagee shall have the right to recover from the grantee the amount of the mortgage debt in respect to which the grantee is obligated to indemnify the mortgagor; provided that the right of the mortgagee to recover the amount of the mortgage debt under this section from the grantee of the equity of redemption shall as against such grantee terminate on the registration of a grant or transfer of the equity of redemption by such grantee to another person unless prior to such registration an action has been commenced to enforce the right of the mortgagee. Right of mortgagee to recover personal judgment.

(2) Where a mortgagee has the right to recover the whole or any part of moneys secured by a mortgage from an original mortgagor and also has a right by virtue of this section to recover from a grantee of the equity of redemption from a mortgagor, if the mortgagee recovers judgment for the amount of the mortgage debt against the original mortgagor, the mortgagee shall thereupon forever cease to have a right to recover under this section from a grantee, and if the mortgagee recovers judgment under this section against a grantee he shall thereupon forever cease to have a right to recover from the original mortgagor; provided that where there is more than one original mortgagor this section shall not affect the right of a Limit of right of action.

mortgagee after the recovery of judgment against one original mortgagor to recover judgment against the other original mortgagor or mortgagors.

"Original
mortgagor".

- (3) In this section "original mortgagor" shall mean any person who by virtue of privity of contract with the mortgagee is personally liable to the mortgagee to pay the whole or any part of the moneys secured by the mortgage.

Short title.

2. This Act may be cited as *The Mortgages Amendment Act, 1939.*

CHAPTER 29.

The Mortgagors' and Purchasers' Relief Act, 1939.

*Assented to April 14th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Mortgagors' and Purchasers' Relief Act, 1933*, is repealed. 1933, c. 35, s. 28, repealed.

2. *The Mortgagors' and Purchasers' Relief Act, 1933*, is amended by adding thereto the following section: 1933, c. 35, amended.

38a. An application made under this Act shall be made to the judge of the county or district in which the land is situate. Where application to be made.

3. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, or *The Mortgagors' and Purchasers' Relief Act, 1938*, and subject only to the provisions of sections 1 and 2 of this Act, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1940. 1933, c. 35, continued in force. 1934, c. 33; 1935, c. 41; 1936, c. 38; 1937, c. 45; 1938, c. 21.

4. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1939*. Short title.

CHAPTER 30.

The Municipal Amendment Act, 1939.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Municipal Act* is amended by inserting after the word "may" in the fifth line the word "by."

Rev. Stat.,
c. 266, s. 14,
subs. 1,
amended.

2. Section 23 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 23,
re-enacted.

23.—(1) Upon the application of the corporation of any municipality, authorized by by-law of the council thereof, to have such municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of such municipality annexed to any other municipality or municipalities or to have the whole or any part or parts of any other municipality or municipalities annexed to such municipality, the Municipal Board may by order on such terms as it may deem expedient amalgamate such municipality with any other municipality or municipalities or annex to such municipality the whole or any part or parts of any other municipality or municipalities or annex the whole or any part or parts of such municipality to any other municipality or municipalities, and any such order may be made whether the area specified in such order be greater or smaller than the area specified in such application and whether or not any municipality or municipalities or any part or parts thereof which may by such order be amalgamated with or annexed to any other municipality or municipalities may have been specified in such application.

Powers of
Municipal
Board as to
amalgama-
tions and
annexations.

(2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality.

Assent of
electors.

Public hearing to be held by Board.

- (3) The Municipal Board before making any order under subsection 1 shall hold a public hearing after such notice thereof has been given as the Municipal Board may direct for the purpose of inquiring into the merits of the application and of hearing any objections which any person may desire to bring to the attention of the Municipal Board.

City or town may be erected.

- (4) If a municipality to which the whole or part of another municipality is annexed or a municipality created by an amalgamation under this section has the requisite population it may by such order be erected by the Municipal Board into a city or town bearing such name as the Municipal Board may direct.

Division into wards.

- (5) The Municipal Board may order a division or re-division of a municipality into wards if, in the opinion of the Municipal Board, the annexation or amalgamation renders such division or re-division necessary or desirable.

By-law to be submitted on petition.

- (6) If a petition signed by at least 150 electors of a town, village or township, or 500 electors of a city, praying that the whole or any part of such city, town, village or township may be annexed to an adjacent municipality on such terms as may be stated in the petition, is presented to the council of the city, town, village or township, the council shall within four weeks after the presentation of the petition submit to the electors of the said city, town, village or township for their assent thereto a by-law providing for such annexation on the terms mentioned in the petition, and if such by-law receives the assent of the electors the council shall forthwith make application for such annexation under subsection 1.

Minister of Municipal Affairs may apply.

- (7) The Lieutenant-Governor in Council may authorize the Minister of Municipal Affairs to apply to the Municipal Board to have any municipality amalgamated with any other municipality or municipalities or to have the whole or any part or parts of a municipality annexed to any other municipality or municipalities and in such case the Municipal Board shall have the same powers as if such application had been made by the corporation of a municipality under subsection 1.

Further powers of Municipal Board.

- (8) The Municipal Board may by any order made pursuant to any application under this section or by subsequent order or orders,—

- (a) make all such adjustments of assets and liabilities as between the municipalities, including counties, affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
- (c) define special areas within the municipality as enlarged by such annexation or resulting from such amalgamation, having regard to the areas annexed thereto or amalgamated therein, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;
- (d) appoint a referee or referees who shall make inquiry and report to the Municipal Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses *a*, *b* and *c*, such report to be filed with the Municipal Board within such time as the Municipal Board may from time to time allow, and the Municipal Board shall consider such report and may hear such representations in respect thereto as it may see fit and may adopt, vary or amend such report or refer such report back to such referee or referees for further consideration, and the order of the Municipal Board adopting such report or varying or amending such report shall be final and conclusive and not open to question or appeal and shall be binding upon all municipalities and local boards affected thereby;
- (e) make all such provisions for the composition of councils and local boards, the fixing of days for nominations, either before or subsequent to the day on which the annexation or amalgamation becomes effective, the holding of elections, the fixing of days for first meetings of councils and local boards, the preparation of first voters' lists and assessment rolls, and for such other matters as it

may deem necessary to provide for the effective administration of the enlarged or amalgamated municipality or of any local board thereof;

- (f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the amalgamation or annexation provided for in such order.

Powers of referees.

- (9) Any referee or referees appointed under subsection 8 shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act*.

Rev. Stat., c. 60.

Municipal Board may make rules, etc.

- (10) The Municipal Board may make such rules and regulations and issue such orders and directions in respect to any matter not specifically provided for in this section as it may deem necessary or desirable in connection with any such annexation or amalgamation and every such rule, regulation, order and direction shall be valid and binding upon all municipalities and local boards interested in or affected thereby.

No order if municipality in default.

- (11) No order of annexation or amalgamation of any municipality or any part thereof shall be made under this section at a time when such municipality is in default in payment of any interest or principal in respect of its debentures.

Provisions of this section to prevail.

- (12) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding anything contained in this or any other special or general Act, and in the event of any conflict between the provisions of this section and the provisions of this or any other special or general Act the provisions of this section shall prevail.

"Local board."

- (13) In this section "local board" shall mean a local board as defined by *The Department of Municipal Affairs Act*.

Rev. Stat., c. 59.

Time of coming into force of annexation or amalgamation order.

- (14) Any order of annexation or amalgamation made under subsection 1 or 7 shall take effect only if and when confirmed by Act of this Legislature and on the day named in such Act.

Rev. Stat., c. 266, s. 48, subs. 1, amended.

3.—(1) Subsection 1 of section 48 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the town is entitled to" in the third and fourth lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection shall now read as follows:

- (1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, a deputy reeve and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards.

Councils of towns in counties.

(2) Subsection 3 of the said section 48 is amended by striking out the words "as many deputy reeves as the town is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows:

Rev. Stat., c. 266, s. 48, subs. 3, amended.

- (3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, a deputy reeve, and

Case of town of not more than 5,000.

.

4. Subsection 1 of section 50 of *The Municipal Act* is amended by striking out the words "as many deputy reeves as the municipality is entitled to" in the second and third lines and inserting in lieu thereof the words "a deputy reeve where so entitled," and by striking out the words "with the deputy reeves four" in the fourth line, and inserting in lieu thereof the word "five" so that the said subsection shall now read as follows:

Rev. Stat., c. 266, s. 50, subs. 1, amended.

- (1) The council of a village and the council of a township shall consist of a reeve, a deputy reeve where so entitled, and a sufficient number of councillors to make up five in all, and they shall all be elected by general vote.

Councils of villages and townships.

5. Clause *c* of subsection 1 of section 52 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat., c. 266, s. 52, subs. 1, cl. *c*, re-enacted.

- (*c*) is a British subject and has taken the oath of allegiance (Form 2A).

6. Clause *u* of subsection 1 of section 53 of *The Municipal Act* is amended by striking out the words "income or" in the second line.

Rev. Stat., c. 266, s. 53, subs. 1, cl. *u*, amended.

7. Section 64 of *The Municipal Act* is amended by striking out the words "or deputy reeves" in the fourth and fifth lines so that the said section shall now read as follows:

Rev. Stat., c. 266, s. 64, amended.

64. Subject to subsection 5 of section 65 and to sections 74, 75 and 76, a meeting of the electors shall take place for the nomination of candidates for mayor

Meeting for nomination of mayor, controllers, reeve, deputy reeve.

and controllers in cities and towns, and for reeve or reeve and deputy reeve in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon.

Rev. Stat.,
c. 266, s. 67,
amended.

8. Section 67 of *The Municipal Act* is amended by striking out the word "corporation" in the first line and inserting in lieu thereof the word "incorporation."

Rev. Stat.,
c. 266, s. 70,
subs. 4,
amended.

9. Subsection 4 of section 70 of *The Municipal Act* is amended by adding thereto the following clause:

(a) The oath of allegiance shall form part of the declaration and shall be attached thereto.

Rev. Stat.,
c. 266, s. 88,
amended.

10. Section 88 of *The Municipal Act* is amended by inserting after the word "may" in the second line the word "fix."

Rev. Stat.,
c. 266,
s. 92,
subs. 2,
amended.

11. Subsection 2 of section 92 of *The Municipal Act* is amended by inserting after the word "person" where it occurs for the second time in the fourth line the words "whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or," so that the said subsection shall now read as follows:

Arrest.

(2) A returning officer, a deputy returning officer or a justice of the peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person whom he on reasonable and probable grounds believes to have contravened clause g of section 151 or who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting, as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or justice of the peace in the performance of his duties under this subsection.

Rev. Stat.,
c. 266,
s. 101,
amended.

12. Section 101 of *The Municipal Act* is amended by striking out the word "pole" in the fourth line and inserting in lieu thereof the word "poll."

Rev. Stat.,
c. 266,
s. 207,
subs. 4,
amended.

13. Subsection 4 of section 207 of *The Municipal Act* is amended by striking out the words "reeve, or in his absence the deputy reeve, or if there are more deputy Reeves than one, the first deputy reeve," in the first, second and third lines and inserting in lieu thereof the words "head of the council," so that the said subsection shall now read as follows:

- (4) In case of an equality of votes, the head of the council of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote. Case of equality of votes.

14.—(1) The heading immediately preceding section 258 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 258, heading repealed.

(2) Subsection 1 of the said section 258 is amended by adding at the commencement thereof the words "Except as provided in subsection 5" and by striking out the word "expenditures" in the fourth line and inserting in lieu thereof the word "disbursements," so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 258, subs. 1, amended.

- (1) Except as provided in subsection 5, the council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and disbursements of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last fifteen days of the next preceding year. Publication of statements of assets and liabilities.

(3) Subsection 5 of the said section 258 is amended by striking out the words "the nomination meeting is held on the last Monday in November, and polling on the first Monday in December as provided by section 76" in the second, third and fourth lines, and inserting in lieu thereof the words "a by-law passed under section 76 or 77 is in force," so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 258, subs. 5, amended.

- (5) The council of every town, village and township in which a by-law passed under section 76 or 77 is in force shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 1 and a similar statement respecting the last forty-six days of the next preceding year and the time for publishing, posting up, printing and transmitting the statements as provided by subsections 3 and 4 shall be the 24th day of November. Holding meeting and publishing statement where early nominations.

15. Section 259 of *The Municipal Act* is amended by inserting immediately preceding the said section the following heading: Rev. Stat., c. 266, s. 259, amended.

*Duties of Officers Respecting Oaths
and Declarations.*

Rev. Stat.,
c. 266, s. 284,
subs. 1,
amended.

16. Subsection 1 of section 284 of *The Municipal Act* is amended by striking out the figures "286" in the sixth line and inserting in lieu thereof the figures "285."

Rev. Stat.,
c. 266, s. 305,
subs. 1,
amended.

17. Subsection 1 of section 305 of *The Municipal Act* is amended by adding thereto the following clause:

Approval of
Municipal
Board, Rev.
Stat., c. 60.

(e) the approval of the Municipal Board as required by section 70 of *The Ontario Municipal Board Act*.

Rev. Stat.,
c. 266,
amended.

18. *The Municipal Act* is amended by adding thereto the following sections:

Where
surplus in
sinking fund.

321a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts.

Where
amount in
sinking fund
sufficient.

321b. Notwithstanding the provisions of any general or special Act, if and when the amount in a sinking fund is sufficient, with the estimated revenue therefrom, to pay the principal of the debt as it becomes due, the council with the approval of the Municipal Board may not be required to raise or provide any further sum with respect to such debt.

Notice of
appoint-
ment.

321c. Notice of an appointment for the hearing by the Municipal Board of an application for approval under section 321a or 321b shall be given to such persons and in such manner as the Municipal Board may direct.

Rev. Stat.,
c. 266, s. 364,
1938, c. 23,
s. 1,
amended.

19.—(1) Section 364 of *The Municipal Act* as re-enacted by section 4 of *The Municipal Amendment Act, 1938 (No. 2)* is amended by adding thereto the following subsections:

- (7) Upon the passing of a by-law, or where any by-law has heretofore been passed as provided by subsection 1, the provisions of this section and of sections 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 378 and 383 shall *mutatis mutandis* apply to the board of commissioners of police constituted by such by-law. Application of section.
- (8) Upon the passing of a by-law as provided by subsection 1, the board of commissioners of police so constituted shall have the control of the constables and police force to the same extent as if appointed by the board under the provisions of section 371. Powers of board.
- (2) The provisions of this section shall apply to the board of commissioners of police heretofore or hereafter constituted by by-law of any municipality. Section retroactive in application.
- 20.** Section 370 of *The Municipal Act* is amended by inserting after the word "in" where it occurs the second time in the first line the words "townships, counties and," so that the said section shall now read as follows: Rev. Stat., c. 266, s. 370, amended.
370. The police force in cities, and in townships, counties and towns having a board of commissioners of police, shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the board reports to be absolutely required. Police force in cities, townships, counties and towns.
- 21.** Section 377 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 377, re-enacted.
377. The council of a county not having a board, and of a township not having a board, may appoint one or more constables, and in the case of a township, whether or not a board has been constituted, the remuneration of such constable or constables may, if the council deems proper, be paid by a rate levied on any defined section or area of the township. County and township constables.
- 22.** Section 390 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 390, amended.
- (1a) Where in any county court district erected under *The County Judges Act*, there is a city having a population of 100,000 or more and the judicial business in such district is divided among the judges therein as provided by the said Act, the county council of the county in which such city is situated shall provide in the court house at least one suitable office together with fuel, light, stationery, furniture and other accommodation for the use of the judges of the county courts of the other counties in such district who perform judicial functions in such city. Accommodation for judges. Rev. Stat., c. 102.

Rev. Stat.,
c. 266, s. 404,
par. 6, re-
enacted.

23.—(1) Paragraph 6 of section 404 of *The Municipal Act* and the heading immediately preceding the said paragraph are repealed and the following substituted therefor:

Rewards.

Offering and
paying
rewards.

6. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment.

Rev. Stat.,
c. 266, s. 404,
amended.

(2) The said section 404 is further amended by adding thereto the following paragraph:

Pensions for
employees —
how
provided.

R.S.C., c. 7.

Rev. Stat.,
c. 256.

41a. Upon the petition of not less than seventy-five per centum of the employees or any class thereof, for providing by arrangement with His Majesty pursuant to the *Government Annuities Act* (Canada) or by contract with an insurer licensed under *The Insurance Act*, pensions for employees or any class thereof and their wives and children.

Interpre-
tation.

(a) In this paragraph,—

“Employee.”

(i) “Employee” shall mean any salaried officer, clerk, workman, servant or other person in the full-time employ of the municipality or of a local board, except school teachers and inspectors to whom *The Teachers' and Inspectors' Superannuation Act* is applicable, and except employees to whom *The Power Commission Insurance Act* is applicable;

Rev. Stat.,
c. 366.

Rev. Stat.,
c. 67.

“Local
board.”

(ii) “Local board” shall include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of police commissioners and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof;

“Pensions.”

(iii) “Pensions” shall include any form of superannuation or benefit.

(b) No by-law passed under this paragraph shall become operative until approved by the Department.

(c) Payments or contributions made by a municipality under this paragraph shall be deemed to be current expenditures.

(d) The municipality or local board shall deduct by instalments from the salary, wages or other remuneration of every employee to whom the by-law is applicable the amount which the employee is by the by-law required to contribute.

(e) The local board shall, on behalf of every employee thereof to whom the by-law is applicable, pay to the treasurer of the municipality the amounts deducted under clause d.

(3) The said section 404 is further amended by adding thereto the following heading and paragraph:

Insurance.

52. For contracting for insurance against risks that may involve pecuniary loss or liability on the part of the corporation, and for paying premiums therefor.

24. Paragraph 1 of section 405 of *The Municipal Act* is amended by adding thereto the following clause:

(aa) No by-law shall be passed granting a fixed assessment in respect of a business which has at any time theretofore enjoyed a fixed assessment of the same property.

25. Clause a of paragraph 2 of section 406 of *The Municipal Act* is amended by striking out the word "city" in the sixth line and inserting in lieu thereof the word "municipal."

26. Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

4a. For requiring the interior side of the exterior walls and the ceilings and both sides of the partition walls of buildings, or any class of buildings, to be lathed and plastered or otherwise covered with adequate material.

27. Section 412 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 413,
repealed.

28. Section 413 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 414,
par. 11,
amended.

29. Paragraph 11 of section 414 of *The Municipal Act* is amended by adding thereto the following clause:

- (a) This paragraph shall not apply to superannuation and benefit funds established after the 1st day of May, 1939.

Rev. Stat.,
c. 266, s. 415,
par. 1,
amended.

30. The first eight lines of paragraph 1 of section 415 of *The Municipal Act* and clause *a* of the said paragraph as amended by subsection 1 of section 9 of *The Municipal Amendment Act, 1938*, are repealed and the following substituted therefor:

Licensing,
etc., bailiffs,
and bailiffs'
assistants.

1. For licensing, regulating and governing bailiffs and bailiffs' assistants and for providing that any applicant for a bailiff's license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality and for revoking the license, provided each such revocation is authorized by a resolution or by-law passed specifically for the purpose.

"Bailiff"
defined.

- (a) For the purpose of this paragraph "bailiff" shall include any person acting, or holding himself out as being prepared to act, for or on behalf of any person in the seizure and sale or seizure only of chattels, or in any eviction or the collection of rent or taxes by distress or the repossession of goods or chattels under a conditional sale or lien contract, hire purchase agreement, chattel mortgage or other form of security, and "bailiff's assistant" shall include any person acting for or on behalf of a bailiff in the course of any eviction, distress or repossession of goods or chattels as aforesaid, but neither "bailiff" nor "bailiff's assistant" shall include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record.

"Bailiff's
Assistant"
defined.

Rev. Stat.,
c. 266, s. 437,
par. 1,
re-enacted.

31. Paragraph 1 of section 437 of *The Municipal Act* and clause *a* of the said paragraph are repealed and the following substituted therefor:

Electrical
Workers.

1. For examining, licensing, regulating and governing electricians, master electricians and journeyman electricians.

- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who, himself, or by journeyman electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person, other than a master electrician, who has been in the employ of a master electrician for not less than one year and desires to do electrical work as his calling.

"Master Electrician."

"Journeyman Electrician."

- (b) Any such by-law shall not apply to the employees of any public service commission or corporation.

Exception.

32. Section 438 of *The Municipal Act* is amended by adding thereto the following heading and paragraph:

Rev. Stat.,
c. 266, s. 438
amended.

Street Photographers.

3. For licensing, regulating and governing photographers and other persons who for gain use photographic cameras or other similar devices in or upon any highway or public place and for revoking any such license.

Licensing,
etc., street
photo-
graphers.

33. Section 480 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 480,
amended.

- (2a) No action shall be brought against a corporation for the recovery of damages caused by the presence or absence or insufficiency of any wall, fence, guard rail, railing or barrier, or caused by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or object adjacent to or in, along or upon any highway or any part thereof not within the travelled portion of such highway.

Insufficiency
of fences,
etc.

34. (1) The note to subsection 6 of section 531 of *The Municipal Act* is amended by striking out the figures "259" and inserting in lieu thereof the figures "70."

Rev. Stat.,
c. 266, s. 531,
subs. 6 note,
amended.

(2) The note to subsection 8 of the said section 531 is repealed.

Rev. Stat.,
c. 266, s. 531,
subs. 8, note,
repealed.

Rev. Stat.,
c. 266,
Form 2,
amended.

35. Form 2 of *The Municipal Act* is amended by adding thereto the following paragraph:

6. I have taken the oath of allegiance (Form 2A), which I attach hereto.

Rev. Stat.,
c. 266,
amended.

36. *The Municipal Act* is amended by adding thereto the following form:

FORM 2A.

I, *A.B.*, a candidate for election to the office of in the municipality of do swear that I will be faithful and bear true allegiance to His Majesty King George VI (*or the reigning sovereign for the time being*).

Sworn before me at the.....	} <i>A.B.</i>
of.....	
in the.....of.....	
this.....day of.....	
19....	

Rev. Stat.,
c. 266,
Form 18, re-
enacted.

37. Form 18 of *The Municipal Act* is repealed and the following substituted therefor:

FORM 18.

CERTIFICATE OF CLERK AS TO ELECTION OF REEVE AND DEPUTY REEVE (IF ANY).

I, *A.B.*, of, Clerk of the Corporation of, in the County of, do hereby certify under my hand and the seal of the said Corporation that *X.Y.* was duly elected reeve (*or deputy reeve*) of the said town (township *or village, as the case may be*), and has made and subscribed the declaration of office and qualification as such reeve (*or deputy reeve*).

A.B.

Commence-
ment of s. 33.

38. Section 33 of this Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

39. This Act may be cited as *The Municipal Amendment Act, 1939*.

CHAPTER 31.

An Act to amend The Municipal Subsidy Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Subsidy Act* is repealed and the following substituted therefor: Rev. Stat., c. 273, s. 1, re-enacted.

1.—(1) In the year 1939 there shall be paid out of the Consolidated Revenue Fund by way of grant or subsidy to the municipal corporation of every city, town, village and township in Ontario a sum of money equal to that which would be produced from the levy by the council thereof of a rate of one and one-half mills in the dollar upon all the rateable property in the municipality according to the last revised assessment roll thereof on which the rates of general municipal taxation for the year 1939 are levied. Provincial subsidy of municipalities for 1939.

(2) In the year 1940 and thereafter the amount of such grant or subsidy which shall be paid out of the Consolidated Revenue Fund shall be determined by the Lieutenant-Governor in Council. Provision for subsidy of municipalities in future years.

2.—(1) Subsection 1 of section 2 of *The Municipal Subsidy Act* is amended by striking out the figures and words "1937 and in each year thereafter" in the fifth line and inserting in lieu thereof the words "in which such grant or subsidy is received," so that the said subsection shall now read as follows: Rev. Stat., c. 273, s. 2, subs. 1, amended.

(1) The grant or subsidy to be paid to any municipal corporation under the authority of section 1 shall when received by it be applied by the council thereof solely for the purpose of reduction of the general municipal tax rate levied or to be levied for the year in which such grant or subsidy is received, so that the benefit of such grant or subsidy will accrue, directly, to the benefit of the ratepayers of the municipality, and the same shall not be applied or used by the council for any other purpose. Application of subsidy.

Rev. Stat.,
c. 273, s. 2,
subs. 2, re-
pealed.

(2) Subsection 2 of the said section 2 is repealed.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Municipal Subsidy Amendment Act, 1939*.

CHAPTER 32.

An Act for Raising Money on the Credit of The Consolidated Revenue Fund.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Thirty Million Dollars (\$30,000,000). Loan of \$30,000,000 authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon. Terms to be fixed by Lieutenant-Governor.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. Sinking fund. Rev. Stat., c. 22.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1939*. Short title.

CHAPTER 33.

An Act to amend The Optometry Act.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Optometry Act* is amended by striking out the words "or repairs the same" in the fourth and fifth lines, so that the said clause shall now read as follows: Rev. Stat., c. 246, s. 1, cl. c, amended.

- (c) "Optician" shall mean any person who dispenses any ophthalmic lens or lenses or spectacles or eye-glasses "Optician," meaning of. devised for the relief or correction of any visual or muscular error or defect of the eye, or fills any optometrist's or duly qualified medical practitioner's prescription for any such lenses, spectacles or eye-glasses.

2. This Act may be cited as *The Optometry Amendment Act, 1939.* Short title.

CHAPTER 34.

An Act to amend The Pharmacy Act.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 33 of *The Pharmacy Act* is amended by adding at the end thereof the following words "and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 228, s. 33,
subs. 1,
amended.

- (1) No person or incorporated company shall sell by retail any article mentioned in Schedule D except on a prescription for every sale signed by a legally qualified medical practitioner, dentist or veterinary surgeon, and no person or incorporated company shall give away any such article except to a legally qualified medical practitioner, dentist or veterinary surgeon.

Sale of
articles in
Sched. D.

2. (1) Subsection 1 of section 34 of *The Pharmacy Act* is amended by inserting after the word "has" in the fifth line the word "purchased," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 228, s. 34,
subs. 1,
amended.

- (1) The Minister of Health may require any medical practitioner, dentist, veterinary surgeon or pharmaceutical chemist, to report from time to time to the Minister or to the College the quantity of any article mentioned in Schedule D which he has purchased, sold or prescribed.

Reports
to the
Minister
of Health.

(2) The said section 34 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 228, s. 34,
amended.

- (1a) Every pharmaceutical chemist shall keep a record of every article mentioned in Schedule D which he has purchased or sold, showing the date, the quantity, and the person from whom such article has been

Record to
be kept by
chemist.

purchased or to whom it has been sold, and the name of the medical practitioner, dentist or veterinary surgeon upon whose prescription such article has been sold.

Rev. Stat.,
c. 228, s. 34
subs. 4,
re-enacted.

(3) Subsection 4 of the said section 34 is repealed and the following substituted therefor:

Power to
discipline.

(4) Every such disciplinary body shall have the power to inquire into the matter and to reprimand, or suspend or cancel the license to practise of any member of the profession whom it finds to have purchased, sold or prescribed an excessive, unreasonable or improper amount of any article mentioned in Schedule D.

Appeal.

(5) No action shall be brought against any such disciplinary body or any member thereof for anything done *bona fide* under this section, notwithstanding any want of form in the proceedings, but any member of the profession who is reprimanded or whose license to practise is suspended or cancelled under this section may appeal from the decision of the disciplinary body to the Court of Appeal, at any time within six months from the date of any order made by the disciplinary body, and the Court may, upon the hearing of the appeal, make such order as to quashing or confirming the reprimand, or the suspension or cancellation of the license to practise, or for further inquiry by the disciplinary body into the facts of the case and as to costs as the Court may deem just.

Short title

3. This Act may be cited as *The Pharmacy Amendment Act, 1939*.

CHAPTER 35.

An Act to amend The Power Commission Act.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 12 of *The Power Commission Act* is amended by striking out the word “shall” in the second line and inserting in lieu thereof the word “may,” and by striking out clause *c*, so that the said subsection shall now read as follows: Rev. Stat.,
c. 62, s. 12,
subs. 1,
amended.

(1) An account to be known as the “stabilization fund account” may be opened and maintained on the books of the Commission and the Commission may place to the credit of such account,— Stabiliza-
tion fund
account.

(a) such amounts as the Commission may determine and collect for the purposes of this section from its customers;

(b) interest at such rates as the Commission shall deem equitable and just upon balances remaining from time to time to the credit of the account.

(2) Subsection 2 of the said section 12 is repealed.

Rev. Stat.,
c. 62, s. 12,
subs. 2,
repealed.

2. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat.,
c. 62,
amended.

33a. Where works of the Commission have been affixed to realty, they shall remain subject to the rights of the Commission as fully as they were before being so affixed unless otherwise agreed by the Commission in writing. Ownership
of works
retained.

3. Section 71 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 71,
re-enacted.

Contracts
for supply
of power.

71.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may contract with the corporation of a township, or townships, or with the corporations of two or more townships, for the supply and distribution by the Commission of electrical power in the township or townships.

Defining
areas.

(2) The Commission may lay out and define areas, called "rural power districts," in the township or townships for the distribution of electrical power.

Commission
acts for
corporation.

(3) The Commission may, on behalf of the corporation,—

(a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transforming and distributing in, any such rural power district of electrical power;

(b) supply electrical power to any customer of the corporation or at any premises in any such rural power district;

(c) perform, enjoy and enforce all contracts in which the corporation agrees to supply or sell electrical power to any customer or at any premises in such rural power district.

Alterations
of boundaries

(4) The Commission may unite any two or more rural power districts in one rural power district and may join into a rural power district or may include in a rural power district one or more townships or any part or parts thereof whether already part of any rural power district or not and may alter the boundaries of any rural power district.

Signing of
contracts.

(5) Contracts in which the municipal corporation agrees to supply or sell electrical power shall be sufficiently executed on behalf of the corporation if signed by its clerk or by such other officer as may be designated by the council of the corporation.

Powers
given to
Commission.

71a. For the purposes of this Part, the Commission may exercise any of the powers which the Commission may exercise or be authorized to exercise under Part I.

Rev. Stat.,
c. 62, s. 76,
subs. 3,
amended.

4. Subsection 3 of section 76 of *The Power Commission Act* is amended by striking out all the words in the first two lines and inserting in lieu thereof the words "In any such area, the Commission may," and by inserting after the word "all" in the second line of clause a the words "lands and", so that

the said subsection shall now read as follows:

(3) In any such area, the Commission may,—

Supply of
power.

- (a) acquire, construct, extend, reconstruct, hold, maintain, operate and administer all lands and works necessary for the transmission to and the transformation and distribution and supply of electrical power or energy in any such area;
- (b) distribute and supply electrical power or energy in any such area;
- (c) contract with any person, firm or corporation for the supply of electrical power or energy in any such area.

5. Section 77 of *The Power Commission Act* is amended by adding at the end thereof the words, "except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 47," so that the section shall now read as follows:

Rev. Stat.,
c. 62, s. 77,
amended.

77. All the provisions of Part II as to the annual payments to be made by the corporations which have entered into contracts with the Commission shall apply to a contract entered into under this Part, and shall extend to the works constructed under the contract for transforming, distributing and supplying electrical power or energy in a rural power district except where the contract is with a municipal corporation for the supply of power from any of the works mentioned in section 47.

Application
of Part II
as to annual
payments.

6. Section 78 of *The Power Commission Act* is amended by striking out all the words after the word "Commission" in the third line and inserting in lieu thereof the words, "under this Act," so that the section shall now read as follows:

Rev. Stat.,
c. 62, s. 78,
amended.

78. The rates to be charged to customers receiving electrical power or energy from the Commission in a rural power district shall be fixed by the Commission under this Act.

Rates to be
fixed by
Commission.

7. By-law number 1072 of the corporation of the town of Arnprior; By-law number 582 of the corporation of the village of Beamsville; By-law number 660 of the corporation of the village of Millbrook; By-law number 579 of the corporation of the village of Newcastle; By-law number 1030 of the corporation of the township of Clarke, and all debentures issued

By-laws
confirmed.

or to be issued or purporting to be issued under any of the said by-laws are confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof respectively, and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or *The Municipal Act* or any amendments thereto or any other general or special Act of this Legislature.

Rev. Stat.,
cc. 62, 266.

By-law
confirmed.

8. By-law number 132 for the year 1937 of the corporation of the city of Windsor and the agreement between the said corporation and The Windsor Utilities Commission thereby authorized are confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and The Windsor Utilities Commission.

Short title.

9. This Act may be cited as *The Power Commission Amendment Act, 1939.*

CHAPTER 36.

An Act to amend The Psychiatric Hospitals Act.

Assented to April 14th, 1939.

Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Psychiatric Hospitals Act* is amended by adding thereto the following section: Rev. Stat.,
c. 393,
amended.

11a. The superintendent of a psychiatric hospital shall have authority to transfer any patient to a public hospital for treatment and to again receive such patient into the psychiatric hospital when he has received such treatment, and the charges for the treatment of any such patient in a public hospital shall be paid by the patient unless he is an indigent person, in which case, the charges shall be payable in the same manner as charges for an indigent patient are payable under *The Public Hospitals Act*. Patient
may be
transferred
to public
hospital for
treatment.
Rev. Stat.,
c. 390.

2. This Act may be cited as *The Psychiatric Hospitals Amendment Act, 1939*. Short title.

CHAPTER 37.

An Act to amend The Public Health Act.

Assented to April 14th, 1939, except section 5.

Section 5 assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *2d* of section 5 of *The Public Health Act* as enacted by section 3 of *The Public Health Amendment Act, 1938*, is amended by adding at the end thereof the words "and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor," so that the said clause shall now read as follows:

Rev. Stat.,
c. 299, s. 5,
cl. *2d*,
(1938, c. 30,
s. 3),
amended.

(*2d*) regulating the construction, repairing, renewal, alteration, inspection, labelling and sale of upholstered or stuffed articles including mattresses, quilts, covers, pillows and other bedding, furniture and dolls, and the treating, processing, sterilizing and disinfecting of materials used therein, and requiring any such articles to be stamped with stamps supplied by the Department and in such form as the Department may prescribe, and fixing the fees to be paid therefor.

Regulations
re uphol-
stered
articles.

2. Subsection 2 of section 22 of *The Public Health Act* is amended by striking out the word "December" in the second line and inserting in lieu thereof the word "February," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 299, s. 22,
subsec. 2
amended.

(2) The secretary shall annually, on or before the 15th day of February, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Annual
report.

3. Subsection 2 of section 24 of *The Public Health Act* is amended by striking out the words "or in any town, village, police village or" in the first and second lines and inserting in lieu thereof the words "town, village, police village or in any", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 299, s. 24,
subsec. 2
amended.

When local board may install sanitary conveniences.

- (2) Where a local board in a city, town, village, police village or in any township bordering on or situate within ten miles of a city having a population of not less than 200,000, in which a sewerage system has been established, recommends that sanitary conveniences or suitable connections with a water service should be installed in any building, and is of the opinion that the owner of the premises is unable or unwilling to pay the expense of the same at once, the municipality may install suitable sanitary conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises, at the expense of the owner, and the Department may direct that the cost, including interest at a rate not exceeding six per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

Rev. Stat.,
c. 299, s. 94,
subs. 1,
amended.

4. Subsection 1 of section 94 of *The Public Health Act* is amended by striking out the words "town or" in the first line and inserting in lieu thereof the words "or town or of any," so that the said subsection shall now read as follows:

Regulation
of barber
shops, etc.

- (1) The council of any city or town or of any township bordering on a city having a population of not less than 100,000 may pass by-laws for regulating the operation of barber shops and hairdressing establishments, and for licensing the owners of such shops and hairdressing establishments, and for revoking the license upon breach of any regulation imposed by the by-law.

Rev. Stat.,
c. 299,
amended.

5. *The Public Health Act* is amended by adding thereto the following section:

Cooking of
garbage.

- 110a. Any person who cooks garbage or other refuse which has been collected or otherwise obtained from other persons, except on premises approved by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence.

Penalty.

Rev. Stat.,
c. 299,
Sched. B,
par. 3,
amended.

6. Paragraph 3 of Schedule B to *The Public Health Act* is amended by striking out the figure and words "1st day of

December" in the first and second lines and inserting in lieu thereof the figures and words "15th day of February," so that the said paragraph shall now read as follows:

3. The chairman of the local board of health shall, ^{Chairman of board of health to report to council.} before the 15th day of February in each year, present to this council a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical officer of health. A copy of each such report shall be transmitted by the secretary to the Department.

7. This Act may be cited as *The Public Health Amendment* ^{Short title.}
Act, 1939.

CHAPTER 38.

An Act to amend The Public Hospitals Act.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Hospitals Act* is amended by Rev. Stat., c. 390, s. 7, amended. striking out the words "heretofore passed" in the fifth line, so that the said section shall now read as follows:

7. Every hospital shall have power to carry on its under-Hospital powers and their exercise. taking as may be authorized by any general or special Act under which it was created, established, incorporated or empowered so to do, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations, the provisions of this Act and the regulations shall prevail.

2. Section 39 of *The Public Hospitals Act* is repealed and the following substituted therefor: Rev. Stat., c. 390, s. 39, re-enacted.

39. Any action against a hospital or any nurse or person employed therein for damages for injury caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such hospital and not afterwards. Limitation of action.

3. This Act may be cited as *The Public Hospitals Amendment Act, 1939.* Short title.

CHAPTER 39.

The Race Tracks Tax Act, 1939.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion.

(a) "Person" shall include incorporated company, associa- "Person."
tion and club;

(b) "Race meeting" shall mean a series of races for "Race
horses; meeting."

(c) "Regulations" shall mean regulations made under the "Regula-
authority of this Act; tions."

(d) "Treasurer" shall mean Treasurer of Ontario. "Treasurer."

2. Every person owning or operating or using a race track Tax on race
and holding a race meeting shall pay in advance before such tracks and
race meeting for each day of such meeting a tax of \$1. race
meetings.

3. Every holder of a winning ticket issued under the pari- Tax on bets
mutuel system upon a race run at any race meeting shall pay and stakes
a tax at the rate of five per centum or such other rate as the on racing.
Lieutenant-Governor in Council may prescribe upon the
amount which would be payable to him if no percentage were
deducted or retained by the person holding the race meeting
in respect of such race, and the said tax shall be collected by
the person holding the race meeting as the agent of the
Treasurer by deducting from the total amount bet or wagered
upon such race, a sum equal to five per centum or such other
rate as may be prescribed of the amount so bet or wagered,
and such sum shall be paid over to the Treasurer at the close
of each day's racing; provided that the rate of the tax shall
not be changed in any calendar year after the commencement
of the first race meeting in such year at which a pari-mutuel
system is operated.

Returns at
close of
meeting.

4.—(1) Every person owning, operating or using a race track and holding a race meeting shall, within two weeks after the close of each such race meeting, furnish to the Treasurer a detailed statement, verified by the affidavit of such person or of some other person satisfactory to the Treasurer,—

(a) of the moneys received and of the moneys paid out at or in connection with such race meeting;

(b) of the total amount wagered on the track or tracks at such race meeting in respect of which such person derived any benefit; and

(c) of the percentage or other portion thereof taken by such person.

Office.

(2) Every person owning, operating or using a race track and holding a race meeting shall maintain an office at or near his race track and within Ontario at which at all times shall be kept the books of account and vouchers relating to the race track and any race meetings held by him, and, in the case of a company, association or club, the minute book shall also be kept at such office and such books of account, vouchers and minute book shall at all times be open to the inspection of the Treasurer or his duly accredited representative.

Access to
race course.

(3) Such officers or clerks of the Treasury Department as may be appointed by the Treasurer for the purpose of ascertaining the amount wagered in connection with the tax imposed by section 3 shall have access free of all charge at all times to all parts of any race course including the pari-mutuel plant connected therewith during the progress of a race meeting.

Penalties.

(4) Every person opening or continuing a race meeting on any day in respect of which the tax hereby imposed has not been paid or neglecting or refusing to deduct and pay over the tax mentioned in section 3, or neglecting to furnish the statement required by subsection 1, or to comply with the requirements of subsection 2, shall incur a penalty of \$1,000 for every day during which the default continues and where such person is a company, association or club, every director, manager or secretary thereof who wilfully authorizes or permits such default shall incur a like penalty.

Default.

(5) Where default has been made by such person in the payment of the tax imposed by section 2, or in deducting and paying over the tax mentioned in section 3, or in making any return required by this section or under any other provision of this Act, or in complying with the provisions of subsection 2, or such person is violating any statute of Canada or of Ontario,

the Provincial Police, acting under the instructions of the Treasurer, may stop all racing upon the track of such person, or the holding of any further race meeting by such person.

5. Where under any agreement or arrangement heretofore ^{Payment} or hereafter entered into, a person conducting a race meeting ^{of tax.} upon a race course has leased, assigned or otherwise disposed of, or suffers or permits the enjoyment of the betting privileges, or the operation of pari-mutuel machines upon or in connection with such race course to or by any other person, such other person shall deduct and pay over to the Treasurer the tax imposed by this Act and all the provisions of this Act shall apply to such other person as well as to the person conducting such race meeting, and in the event of the neglect, refusal or failure of such other person to deduct and pay over the said tax and to comply with the provisions of this Act the person conducting the race meeting in respect of which such default occurs as well as such other person shall incur the penalties provided by this Act, and the Provincial Police acting under the instructions of the Treasurer, may stop all racing upon the track upon which the race meeting is conducted or the holding of any further race meeting by such person.

6. For the purpose of obtaining any information which he ^{Obtaining} may deem necessary for the purposes of this Act, the Treasurer ^{of informa-} may,—

- (a) demand from any person such information as may be indicated in a letter delivered or sent by prepaid post to such person and every such person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or
- (b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

Rev. Stat.,
c. 19.

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause.

7.—(1) The taxes and penalties imposed by this Act may ^{Recovery of} be recovered by an action in any court in which a debt or ^{tax and} money demand of a similar amount may be collected, and every ^{penalties} such action shall be brought and executed in the name of the

Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury.

Penalties. (2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer.

Rev. Stat.,
c. 136.

Regulations. **8.** The Lieutenant-Governor in Council may make regulations,—

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or impose any duty conferred or imposed upon the Treasurer by this Act;
- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) providing for the manner of collecting the tax imposed by this Act; and
- (d) generally for the better carrying out of the provisions of this Act.

Affidavits
and declara-
tions.

9. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor.

Information
obtained
under Act.

10.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

Penalty for
disclosing.

(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200.

Rev. Stat.,
c. 29, s. 3,
subss. 13-18,
repealed.

11. Subsections 13 to 18 of section 3 of *The Corporations Tax Act* are repealed.

Commence-
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Race Tracks Tax Act, 1939*.

CHAPTER 40.

An Act to amend The Registry Act.

Assented to April 14th, 1939, except section 6 (1).

Section 6 (1) assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 6 of *The Registry Act* is amended by adding at the end thereof the words "telephones, directories and such other articles as the Inspector may deem necessary for the purpose of such office," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 170, s. 6,
subs. 4,
amended.

(4) The corporation of any county or city charged with the duty of providing books for use in a registry office shall when so required by the Inspector provide typewriting machines for use in copying instruments in the registry books, telephones, directories and such other articles as the Inspector may deem necessary for the purposes of such office.

Municipality
to provide
typewriting
machines,
etc.

2. Subsection 7 of section 32 of *The Registry Act* is amended by inserting after the word "be" in the last line the words "tendered for registration or," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 170, s. 32,
subs. 7,
amended.

(7) Except mortgages, incumbrances or liens, made or given by the original nominee of the Crown, or by any person through whom a person, obtaining a grant of land from the Crown, derived title, no instrument affecting land that has not been granted by the Crown shall be tendered for registration or registered.

What may
be registered
before grant
from Crown.

3. Section 40 of *The Registry Act* is amended by striking out the words "of the secretary, manager, or attorney or presiding officer thereof" in the third and fourth lines and inserting in lieu thereof the words "purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person," so that the said section shall now read as follows:

Rev. Stat.,
c. 170, s. 40,
amended.

Seal of court
or seal of
corporation
with signa-
ture of
officer to
 suffice for
registration.

40. The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person shall be sufficient evidence for the purpose of registration, of the due execution of the instrument by the judge, or the officer of the court signing the same, or by the corporation.

Rev. Stat.,
c. 170, s. 48,
subs. 1,
amended.

4. Subsection 1 of section 48 of *The Registry Act* is amended by inserting after the word "office" in the fifth line the words "and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

Registration
of power of
attorney
when instru-
ment
executed by
attorney.

- (1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but when such power of attorney or a certified copy thereof cannot be produced proof may be made before a judge of any county or district court of the execution of the instrument, and upon a certificate (Form 7) being endorsed on the instrument and signed by the judge that he is satisfied by the proof adduced of the due execution of the instrument the registrar shall register the instrument and certificate.

Rev. Stat.,
c. 170, s. 51,
amended.

- 5.—(1) Section 51 of *The Registry Act* is amended by adding thereto the following subsection:

Affidavit or
declaration
as to
marriage.

- (1a) Where an assurance, deed, conveyance, mortgage, release or quit claim is made by a man and someone joins therein as his wife to bar dower, it shall not be registered unless there be made on or securely attached to it an affidavit or statutory declaration by such man that he is married, that the person joining therein to bar dower is his lawful wife and that he is of the full age of twenty-one years.

Rev. Stat.,
c. 170, s. 51,
subs. 2,
amended.

- (2) Subsection 2 of the said section 51 is amended by inserting after the word and figure "subsection 1" in the third line the word, figure and letter "or 1a," so that the said subsection shall now read as follows:

- (2) Where it is made to appear to the judge of a county or district court that the affidavit or statutory declaration required by subsection 1 or 1a cannot be obtained conveniently the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with such affidavit or declaration, and thereupon shall endorse upon the instrument or firmly attach thereto his order directing the registrar to register the instrument notwithstanding the absence of such affidavit or declaration, and the registrar shall thereupon register such instrument.

Dispensing
with
affidavit or
declaration.

- (3) The provisions of this section shall not apply to any assurance, deed, conveyance, mortgage, release or quit claim executed prior to the date of the coming into force of this Act.

Application
of section.

6.—(1) Subsection 4 of section 56 of *The Registry Act* is amended by striking out the figures "21" in the thirteenth line and inserting in lieu thereof the figures "19," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 170, s. 56,
subs. 4,
amended.

- (4) Unless with the consent in writing of the Treasurer of Ontario, or of some one authorized by him to consent an original will or an exemplification or certified copy of probate or letters of administration with the will annexed under the seal of any court in Great Britain and Ireland, or in any British province, colony or possession, or in any foreign country having jurisdiction therein, shall not be registered under this section unless accompanied by a certificate of the registrar of the surrogate court of the county in Ontario where the deceased had a fixed place of abode, or where the lands, or any of them, devolving by the will are situate, showing that a statement has been filed with him similar to that required by section 19 of *The Succession Duty Act*, and such certificate shall be deposited with the registrar.

Compliance
with require-
ments of
Succession Duty
Act.

Rev. Stat.,
c. 26.

- (2) Subsection 7 of the said section 56 is amended by adding at the end thereof the words "provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 170, s. 56,
subs. 7,
amended.

- (7) The Treasurer of Ontario may issue a general certificate that all succession duty payable in respect to the estate or any lands forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under the provisions of *The Succession Duty Act* has been

General
certificate.

Rev. Stat.,
c. 26.

given, and upon registration of the certificate it shall not be necessary that the provisions of subsection 6 be complied with in respect to any lands described in such certificate, provided the date of registration and registration number of such general certificate are indicated in the body or margin of the instrument tendered for registration.

Rev. Stat.,
c. 170, s. 59,
subs. 7,
amended.

7. Subsection 7 of section 59 of *The Registry Act* is amended by inserting after the word "in" in the third line the words "an unregistered mortgage or," and by inserting after the word "duly" in the sixth line the words "registered and," so that the said subsection shall now read as follows:

When mort-
gage to
be recorded
in full.

(7) From and after the 1st day of July, 1927, no final order of foreclosure or instrument purporting to be a conveyance of land under power of sale contained in an unregistered mortgage or a mortgage which has been registered "not in full" shall be registered until the said mortgage and any assignment thereof has been duly registered and copied in full in the proper registry book pursuant to subsection 5 of section 47.

Rev. Stat.,
c. 170, s. 66,
subs. 1,
amended.

8.—(1) Subsection 1 of section 66 of *The Registry Act* is amended by striking out the words "the registrar shall not register" in the seventh and eighth lines and by adding at the end of the said subsection the words "shall not be tendered for registration or registered," so that the said subsection shall now read as follows:

Registra-
tion of
discharge
given by
person
other than
mortgagee.

(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which he claims interest in and title to the mortgage money, and until such instruments or documents are registered such certificate of discharge shall not be tendered for registration or registered.

Rev. Stat.,
c. 170, s. 66,
amended.

(2) The said section 66 is further amended by adding thereto the following subsection:

Where
document
lost or
destroyed.

(1a) Where it is made to appear to the judge of a county or district court that any instrument or document through which any person claims interest in and title to mortgage money has been destroyed or cannot be found, the judge may, upon such evidence by affidavit or otherwise as he may deem proper, dispense with the registration thereof and thereupon shall

endorse upon the certificate of discharge or firmly attach thereto his order directing the registrar to register the certificate of discharge notwithstanding the failure to register such instrument or document, and the registrar shall thereupon register such certificate of discharge.

9. Section 82 of *The Registry Act* is amended by inserting Rev. Stat., c. 170, s. 82, amended. after the word "registration" in the second line the words "and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid," so that the said section shall now read as follows:

82. An instrument capable of and properly proved for registration and in respect of which the fees prescribed by this Act or demanded by the registrar have been paid shall be deemed to be registered when and so soon as the same is delivered either personally or by post to and received at his office during office hours by the registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made by any person in such instrument. When instruments to be deemed registered.

10. This Act may be cited as *The Registry Amendment Act*, Short title.
1939.

CHAPTER 41.

An Act to amend The Rural Hydro-Electric
Distribution Act.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Rural Hydro-Electric Distribution Act* Rev. Stat., c. 64, s. 1, amended. is amended by striking out the words "municipality or commission" in the fourth and fifth lines and inserting in lieu thereof the words "commission or municipal corporation," and by striking out all the words after the word "cost" in the seventh line and inserting in lieu thereof the words "of acquiring and constructing in the rural power district, lands and works, including plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment, for the supply of power to any customer or premises up to the point of delivery by such commission or corporation," so that the said section shall now read as follows:

1. Upon the recommendation of The Hydro-Electric Power Commission of Ontario and the order of the Lieutenant-Governor in Council, the Treasurer of Ontario may pay out of the Consolidated Revenue Fund to any commission or municipal corporation distributing power in a rural power district under the provisions of *The Power Commission Act*, a sum Grants in aid of distribution works in rural power districts. not exceeding fifty per centum of the capital cost of acquiring and constructing in the rural power district, lands and works, including plant, machinery, installations, materials, devices, fittings, apparatus, appliances and equipment, for the supply of power to any customer or premises up to the point of delivery by such commission or corporation. Rev. Stat., c. 62.

2. Section 3 of *The Rural Hydro-Electric Distribution Act* Rev. Stat., c. 64, s. 3, amended. is amended by striking out the words "municipal corporations or commissions" in the first line and inserting in lieu thereof the words "any commission or municipal corporation," so that the said section shall now read as follows:

Grants
chargeable
to capital
account.

3. All sums paid to any commission or municipal corporation under the authority of section 1 or section 2 shall be chargeable in the books of the Treasurer of Ontario as expenditure upon capital account.

Short title.

- 3.** This Act may be cited as *The Rural Hydro-Electric Distribution Amendment Act, 1939.*

CHAPTER 42.

An Act to amend The Sanatoria for Consumptives Act.

Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Sanatoria for Consumptives Act* Rev. Stat., c. 395, s. 1, cls. d, e, i, repealed; ff, fff; 1938, c. 34, s. 2, subs. 1); h re-enacted. is amended by striking out clauses *d*, *e* and *f*, clauses *ff* and *fff* as enacted by subsection 1 of section 2 of *The Sanatoria for Consumptives Amendment Act, 1938*, and clauses *g*, *h* and *i* of the said section and inserting in lieu thereof the following clauses:

- (*d*) "Inspector" shall mean an officer of the Department "Inspector." designated under this Act as an inspector;
- (*e*) "Local board" shall mean a local board of health "Local board," established under *The Public Health Act*; Rev. Stat., c. 299.
- (*f*) "Local municipality" shall mean a city, a town, a village and a township; "Local municipality."
- (*g*) "Medical officer of health" shall mean a medical "Medical officer of health." officer of health appointed under *The Public Health Act* or any person having the powers thereof;
- (*h*) "Minister" shall mean the member of the Executive "Minister." council charged for the time being with the administration of this Act;
- (*i*) "Patient" shall mean a person admitted to a sanatorium for the purpose of treatment. "Patient."

(2) Clause *l* of the said section 1, as amended by subsection 2 of section 2 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by inserting before the word "municipality" in the second line the word "local," so that the said clause shall now read as follows: Rev. Stat., c. 395, s. 1, cl. l, amended.

"Resident."

- (l) "Resident" shall mean a person who has actually resided in a local municipality for the period of three months within the six months next prior to admission to a sanatorium.

Rev. Stat.,
c. 395, s. 1,
cl. m, amended.

- (3) Clause *m* of the said section 1 is amended by striking out the word "preventorium" in the second line, so that the said clause shall now read as follows:

"Sanatorium."

- (m) "Sanatorium" shall mean and include any sanatorium, institution, building or other premises or place, howsoever created, established or incorporated for the treatment of patients.

Rev. Stat.,
c. 395, s. 1,
cl. p, re-enacted.

- (4) Clause *p* of the said section 1 is repealed and the following substituted therefor:

"Treatment."

- (p) "Treatment" shall mean the stay, maintenance, observation, care, nursing and treatment of a patient who has or is suspected of having tuberculous disease.

Rev. Stat.,
c. 395, s. 4,
amended.

2. Section 4 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "regulations" in the fourth line the word "not," so that the said section shall now read as follows:

Enforcement
of Act.

4. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act, and the regulations, and the Department may, from time to time, declare all or any of the regulations not to be in force with respect to all sanatoria or any specified sanatorium or sanatoria for such time or times as the Department may deem expedient.

Rev. Stat.,
c. 395, s. 6,
amended.

3. Section 6 of *The Sanatoria for Consumptives Act* is amended by striking out the words "heretofore passed" in the fifth line, so that the said section shall now read as follows:

Powers of
sanatorium.

6. Every sanatorium approved or deemed to be approved under this Act may be carried on under the powers and authorities conferred by any general or special Act under which it was created, established, incorporated or empowered, but where the provisions of any general or special Act conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Rev. Stat.,
c. 395, s. 32,
amended.

4. Section 32 of *The Sanatoria for Consumptives Act* is amended by inserting after the word "Act" in the first line

the words "or the regulations," so that the said section shall now read as follows:

32. Except as may otherwise be provided in this Act or ^{Sanatorium} the regulations, no sanatorium receiving provincial ^{to admit} aid shall refuse to admit as a patient any person ^{patients.} who is in need of treatment.

5. Section 33 of *The Sanatoria for Consumptives Act* is ^{Rev. Stat.,} repealed. ^{c. 395, s. 33,} ^{repealed.}

6. Section 39 of *The Sanatoria for Consumptives Act* is ^{Rev. Stat.,} amended by striking out the words "or a dependant of an ^{c. 395, s. 39,} indigent person" in the second line and by inserting after the word "that" in the third line the word "local," so that the said section shall now read as follows:

39. In the event of the death in a sanatorium of any ^{Burial} patient who is an indigent person that local ^{expenses.} municipality in which such indigent person was a resident at the time of admission shall pay to the sanatorium any expenses of burial which it may incur, but not exceeding \$30.

7. Section 43 of *The Sanatoria for Consumptives Act*, as ^{Rev. Stat.,} amended by section 6 of *The Sanatoria for Consumptives* ^{c. 395, s. 43,} *Amendment Act, 1938*, is further amended by inserting before the word "municipality" in the second line the word "local," and by striking out the words "being infected or likely or suspected of being infected with tuberculosis" in the second and third lines of clause *b* and inserting in lieu thereof the words "having or suspected of having tuberculous disease," so that the first two lines of the said section and clause *b* shall now read as follows:

43. For the purpose of this Act, no patient shall be ^{Cases where} deemed to be a resident in a local municipality,— ^{residence not} ^{presumed.}

- (b) if the municipality is in a territorial district, ^{Health} and such patient having or suspected of having ^{seekers in} tuberculous disease has gone to such ^{the districts.} municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a sanatorium, but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

Rev. Stat.,
c. 395, s. 46,
amended.

8.—(1) Section 46 of *The Sanatoria for Consumptives Act*, as amended by section 8 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by inserting before the word "municipality" where it occurs in the third line and in the words added by the amendment of 1938 respectively, the word "local," so that subsection 1 of the said section shall now read as follows:

Statements
of account
to be
rendered.

- (1) When under this Act the burial expenses of a deceased patient are payable by a local municipality, the sanatorium to which such patient was admitted shall render to the clerk of the local municipality a statement of account of any such expenses with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,
c. 395, s. 46,
amended.

- (2) The said section 46 is further amended by adding thereto the following subsection:

Right of
recovery.

- (2) Upon payment by a local municipality of any expenses of burial of a deceased patient, the local municipality may recover one-half of such expenses from the county if such local municipality is part of the county for municipal purposes.

Rev. Stat.,
c. 395, s. 47,
re-enacted.

9. Section 47 of *The Sanatoria for Consumptives Act*, as amended by section 9 of *The Sanatoria for Consumptives Amendment Act, 1938*, is repealed and the following substituted therefor:

Municipal
recourse
against
estate of
patient.

47. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient, such local municipality or county may recover from his estate or personal representatives, or, in the case of a dependant, from any person liable in law, in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Rev. Stat.,
c. 395, s. 48,
re-enacted.

10. Section 48 of *The Sanatoria for Consumptives Act*, as amended by section 10 of *The Sanatoria for Consumptives Amendment Act, 1938*, is repealed and the following substituted therefor:

Municipal
recourse
against
proper munici-
pality.

48. Upon payment by a local municipality or a county of any expenses of burial of a deceased patient by reason of such patient having been assumed to be a resident in such local municipality and it being ascertained that such patient was not a resident

therein, but at the time of admission to the sanatorium was a resident in another local municipality in Ontario, the local municipality or county which made the said payment may recover the amount thereof as a debt from the local municipality in which such patient was a resident and upon payment by that local municipality, it shall be entitled to exercise the rights of recovery conferred under section 47.

11.—(1) Subsections 1 and 2 of section 50 of *The Sanatoria for Consumptives Act* as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 395, s. 50,
subss. 1, 2,
(1938, c. 34,
s. 11)
re-enacted.

(1) The superintendent of a sanatorium shall, and an inspector may give notice in writing to the local board of any local municipality that any patient who was a resident in such municipality at the time of admission to the sanatorium has recovered to such an extent that such patient may receive care or treatment outside the sanatorium.

Notice that
patient
recovered.

(2) Upon receiving such notice the local board shall furnish to or for any patient who is indigent the expenses of,—

Local board
to inves-
tigate.

(a) transportation from the sanatorium to the place of residence of the patient;

(b) proper living accommodation, food, clothing and any other necessities of life required by the patient; and

(c) any special treatment for tuberculosis and transportation to and from any place at which such special treatment is available;

or of such of those things and services as he is unable to furnish himself.

(2) Subsection 3 of the said section 50 as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, is amended by striking out the words "receiving the notice referred to in subsection 1" in the third and fourth lines and inserting in lieu thereof the words "such notice has been sent to the local board," and by adding at the end thereof the words "commencing thirty days after such notice has been sent to the local board," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 395, s. 50,
subs. 3
(1938, c. 34,
s. 11)
amended.

Failure of
local board
to comply
with pro-
visions of
subs. 2.

- (3) In the event that the local board fails or neglects to comply with the provisions of subsection 2 within thirty days after such notice has been sent to the local board, the local municipality in which such local board has jurisdiction shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium at the rate set for provincial aid in the regulations commencing thirty days after such notice has been sent to the local board.

Rev. Stat.,
c. 395, s. 50
(1938, c. 34,
s. 11)
amended.

- (3) The said section 50 as re-enacted by section 11 of *The Sanatoria for Consumptives Amendment Act, 1938*, is further amended by adding thereto the following subsections:

Where
patient
proceeds
to other
muni-
cipality.

- (4) If any patient at any time after his discharge from a sanatorium goes to a local municipality other than that in which he was a resident at the time of his admission to a sanatorium, the first named local municipality shall provide for such patient the things mentioned in subsection 2 if the patient is indigent but may recover any expenses so incurred from the local municipality in which the patient was a resident at the time of his admission to a sanatorium.

Recovery
from
county.

- (5) If a local municipality is part of the county for municipal purposes, such local municipality shall be entitled to recover from the county one-half of any money expended by the local board under subsection 2 or 4.

Rev. Stat.,
c. 395,
amended.

- 12.** *The Sanatoria for Consumptives Act* is amended by adding thereto the following sections:

Medical
officer may
require
examination.

- 54.—(1) Any medical officer of health may, with the approval of an inspector, require any person who is resident in the municipality or district for which the medical officer of health is appointed, and who is suspected by the medical officer of health to be suffering from tuberculosis, to submit to such examination for tuberculosis as the medical officer of health shall direct.

Notice.

- (2) In requiring any person to submit to an examination under this section, the medical officer of health shall serve such person, or in the case of an infant, the parent or guardian of the infant, with a notice in writing signed by the medical officer of health and by an inspector, specifying the nature, time and place of the examination.

- (3) Any person served with a notice who fails to carry ^{Penalty.} out any order or direction contained therein shall be guilty of an offence and subject to the penalties provided in section 53.
- (4) Any expenses incurred by a medical officer of health ^{Expenses.} under this section shall be paid by the local municipality for which he is appointed, and in the case of a medical officer of health appointed to act in unorganized territory, such expenses shall be paid by the Department.
- 55.—(1) Upon admission to a sanatorium of any patient, ^{Notice to municipality.} the superintendent shall, by registered letter, notify the clerk of the local municipality in which such patient is or is reported to be a resident, of such admission, giving such particulars as are available to enable the clerk to identify the patient.
- (2) Within thirty days after the mailing of such notice ^{Reply.} to the clerk of the local municipality the clerk shall, by registered letter, send a reply to the superintendent from whom such notice was received stating whether such patient is a resident of such local municipality, and if the clerk states that the patient is not a resident, he shall furnish the information which he has obtained relating to the residence of the patient.
- (3) If the clerk fails or neglects to comply with the ^{Penalty.} provisions of subsection 2, the patient, for the purposes of this Act, shall be deemed to be a resident of the local municipality for which such clerk is appointed.
- 56.—(1) Whenever the superintendent requires informa- ^{Superintendent may request information.} tion regarding the ability of any patient to pay toward his maintenance in a sanatorium, the superintendent may request, by registered letter, such information from the clerk of the local municipality in which the patient was resident at the time of admission to the sanatorium.
- (2) Unless the clerk of the local municipality within ^{Penalty for failure to reply.} thirty days of the mailing to him of any such notice as mentioned in subsection 1, shall have replied to the superintendent supplying the information referred to in subsection 1, or giving reasons why such information cannot be obtained, such local municipality shall pay to the sanatorium the charges for the treatment of such patient in the sanatorium

at the rate set for provincial aid in the regulations, commencing thirty days after the mailing to the clerk of the notice and continuing until the clerk has complied with the provisions of this section.

Costs of transportation to sanatorium.

- 57.—(1) The local municipality in which any indigent person is living at the time he requires admission to a sanatorium shall pay the costs of transporting such person to the sanatorium and if after admission to a sanatorium the residence of such person is determined to be any other local municipality, the local municipality which has paid the costs of transportation of such person to a sanatorium may recover the expenses so incurred from the local municipality where the person was a resident at the time of his admission to the sanatorium, or if any such person was not a resident in any local municipality, the local municipality which has paid the costs may recover such costs from the Department.

Transportation to another sanatorium.

- (2) The local municipality in which any indigent patient was a resident at the time of the admission of such patient to a sanatorium shall pay the costs of transportation of such patient to and from another sanatorium or to and from any public hospital or other public institution if such transfer has been directed by the superintendent of the sanatorium or an inspector.

Recovery by sanatorium.

- (3) Whenever the transfer of an indigent patient has been directed by the superintendent of a sanatorium or an inspector to and from any of the places mentioned in subsection 2, the sanatorium may pay the costs of transportation and may recover such costs from the local municipality in which such patient was a resident at the time of his admission to a sanatorium.

Transfer to a public hospital.

Rev. Stat., c. 390.

58. The superintendent of a sanatorium shall have authority to direct the transfer of any patient in such sanatorium to a hospital under *The Public Hospitals Act* for the purpose of having performed upon such patient any surgical operation for any condition other than tuberculosis and in any such case the charges for the treatment in the public hospital of any such patient who is indigent shall be paid for in the same manner as charges for indigent patients are paid under *The Public Hospitals Act*.

Limitation of action.

59. Any action against a sanatorium or any nurse or person employed therein for damages for injury

caused by negligence in the admission, care, treatment or discharge of any patient shall be brought within six months after such patient is discharged from or ceases to receive treatment at such sanatorium and not afterwards.

13. This Act may be cited as *The Sanatoria for Consump-* Short title.
tives Amendment Act, 1939.

CHAPTER 43.

An Act respecting the Sandwich, Windsor and
Amherstburg Railway.*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 2 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is repealed and the following substituted therefor: 1930, c. 17, s. 2, cl. b, re-enacted.

- (b) "Railway" or "Sandwich, Windsor and Amherstburg Railway" shall mean all the assets, undertakings and property of every kind and nature formerly belonging to the Sandwich, Windsor and Amherstburg Railway and the Windsor and Tecumseh Electric Railway Company, and acquired by The Hydro-Electric Power Commission of Ontario pursuant to said agreement dated 14th January, 1920, and every improvement, addition and extension thereof and thereto heretofore or hereafter made and every asset acquired and used or operated in substitution or replacement therefor and thereof by the company. "Railway": "Sandwich, Windsor and Amherstburg Railway."

(2) The said section is further amended by adding thereto the following clause: 1930, c. 17, s. 2, amended.

- (f) "Board" shall mean the Ontario Municipal Board. "Board."

2. The agreement authorized by *The Hydro-Electric Railway Act, 1914*, and confirmed by *The Hydro-Electric Railway Act, 1920*, between The Hydro-Electric Power Commission of Ontario and the municipal corporations of township of Sandwich East, township of Sandwich West, city of East Windsor (formerly the town of Ford City), town of Walkerville, town of Sandwich, town of Ojibway, town of Amherstburg and city of Windsor, dated 1st January, 1920, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is further amended as follows: Agreement of Jan. 1st, 1920, amended. 1914, c. 31, 1920, c. 37. 1930, c. 17.

(i) By striking out the recitals of the said agreement as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

Whereas The Hydro-Electric Power Commission of Ontario on behalf of the corporations constructed, equipped and operated a system of electric railways (known as the Sandwich, Windsor and Amherstburg Railway and, together with any system or systems of bus lines operated by or on behalf of the company in addition and as an improvement to or in substitution for, or partly the one and partly the other, the said system of electric railways, hereinafter referred to as the "railway") over the routes laid down in Schedule "A" hereto; and whereas all the assets and undertakings of the said railway as operated by the said Commission were acquired from the said Commission by the company subject to the payment by the company of all liabilities incurred by the Commission in connection with such construction, equipment and operation and to the payment by the company of the principal and interest of all bonds heretofore issued by said Commission in respect of said railway.

(ii) By adding at the end of the provision, hereinafter referred to as subsection *a*, substituted for subsections *a* and *b* of section 1 of the said agreement by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, the following words "or over such other routes as to the company may appear advantageous and profitable from time to time; provided the company may vary, abandon or restore any such route or any part or parts thereof as it may in its discretion determine," so that the said provision shall now read as follows:

(a) To equip, operate and maintain the railway over the routes laid down in Schedule "A" and through the districts in which the corporations are situate or over such other routes as to the company may appear advantageous and profitable from time to time; provided the company may vary, abandon or restore any such route or any part or parts thereof as it may in its discretion determine.

(iii) By striking out the words "The Hydro-Electric Power Commission of Ontario" in the tenth and eleventh lines of the provision, hereinafter referred to as subsection *j*, substituted for subsections *j* and *m* of the said agreement by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act*,

1930, and substituting therefor the words "the Ontario Municipal Board," so that the said provision shall now read as follows:

- (j) When all bonds issued by The Hydro-Electric Power Commission of Ontario and the company in respect of the said railway and all other liabilities and indebtedness of the company have been paid in full, to sell or otherwise dispose of the railway in such manner and at such time and for such price as may be approved by a majority of the corporations and to divide the proceeds of the sale of such assets among the corporations in the proportion agreed upon between them or failing such agreement in the proportion fixed by the Ontario Municipal Board whose decision shall be final.

(iv) By striking out subsection *o* of section 1 of the said agreement and substituting therefor the following:

- (o) To make such extensions to the railway and such alterations in equipment and type and mode of transportation and vehicle used or adopted or to be used or adopted throughout the railway or any part thereof as to the company may appear advantageous and profitable from time to time.

(v) By striking out subsection *d* of section 2 of the said agreement as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

- (d) To keep, observe and perform the covenants, provisions and conditions set forth in this agreement intended to be kept, observed and performed by the corporations, to co-operate by all means within their power at all times with the company to create the most favourable conditions for the carrying out of the objects of this agreement and to increase the revenue of the railway and ensure its success, and to execute such further or other documents and promptly to pass such by-laws as may be requested from time to time by the company for the purpose of fully effectuating the objects and intent of this agreement.

(vi) By inserting after the word "property" in the second line of subsection *e* of section 2 of the said agreement, as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, the words "streets and highways," so that the said subsection shall now read as follows:

- (e) To furnish a free right of way for the railway and for the power lines of the company over any property, streets and highways of the corporations upon being so requested by the company, and to execute such conveyance thereof or agreement with regard thereto as may be desired by the company.
- (vii) By striking out section 6 of the said agreement as amended by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor the following:

6. In case the company shall at any time or times be prevented from operating the railway or any part thereof by strike, lockout, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond its control, then the company shall not be bound to operate the railway or such part thereof during such time; but the corporations shall not be relieved from any liability or payment under this agreement, and as soon as the cause of such interruption is removed the company, subject to subsection *a* of section 1 hereof, shall, without any delay, continue full operation of the railway, and each of the corporations shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption.

(viii) By striking out the words "The Hydro-Electric Power Commission of Ontario" and the word "Commission" wherever such words and such word appear in section 13 of the said agreement, as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor in each instance respectively the words "the Ontario Municipal Board" and the word "Board," so that the said section shall now read as follows:

13. Any dispute between the corporations arising under this agreement shall be referred for settlement to the Ontario Municipal Board and said Board may upon application fix a time and place to hear all representations that may be made by the corporations and the Board shall settle such dispute and such settlement shall be final. The said Board shall have all the powers that may be conferred upon a Commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

(ix) By striking out the words "The Hydro-Electric Power Commission of Ontario" wherever such words appear in

section 14 of the said agreement as enacted by section 7 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and substituting therefor in each instance the words "the Ontario Municipal Board", so that the said section shall now read as follows:

14. This agreement shall continue and extend for a period of fifty (50) years from the date the same goes into effect and at the expiration thereof be subject to renewal with the consent of the corporations from time to time for like periods of fifty (50) years. At the expiration of this agreement the Ontario Municipal Board shall determine and adjust the respective rights and liabilities of the corporations as among themselves having regard to the amounts paid or indebtedness incurred by them respectively pursuant to this agreement and to such other considerations as may appear equitable to the Ontario Municipal Board and are approved by the Lieutenant-Governor in Council.

3. Section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, and *The Statute Law Amendment Act, 1933*, is repealed and the following substituted therefor:

- 3.—(1) There is hereby created and constituted a body corporate and politic under the name of the "Sandwich, Windsor and Amherstburg Railway Company."
S. W. & A. Ry. Co. constituted.
- (2) The Board shall appoint three persons who shall be the only members of the company and who shall hold office during the pleasure of the Board and until their respective successors are appointed, and the Board shall fill any vacancies which may occur in the membership of the company.
Members of company.
- (3) The remuneration of the members of the company shall be fixed by the Board.
Remuneration of members.
- (4) The accounts of the company shall, upon the direction of the Lieutenant-Governor in Council, be audited and reported upon from time to time and at least once every year by an auditor or auditors named in the direction of the Lieutenant-Governor in Council.
Appointment of auditors.
- (5) The expenses of such audits shall be fixed and payable by the company.
Expenses of audits.

Information
to be sup-
plied to
Board.

- (6) The company or the auditors shall furnish such information respecting the affairs of the company as the Board may at any time require.

1930, c. 17,
s. 13,
amended.

4. Section 13 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the first and second lines and in the twelfth and thirteenth lines and inserting in lieu thereof the words "the Ontario Municipal Board," and by inserting after the word "encumbrance" in the sixth line the words "save any claim or right of any unpaid vendor," so that the said section shall now read as follows:

Disposal of
property not
required.

13. With the approval of the Ontario Municipal Board and subject to the terms of any trust deed securing the bonds of the Commission and the bonds of the company, the company upon such terms as it deems proper may lease, sell or otherwise dispose of, free from any lien, charge, mortgage or encumbrance, save any claim or right of any unpaid vendor, any property, real or personal, which the company may deem unnecessary for the purpose of the railway or any section or extension thereof, and the company shall use or dispose of the proceeds thereof only for the purposes of the railway in such expenditures or for reimbursing the company for such expenditures as are approved by the Ontario Municipal Board or shall invest the same in securities in which trustees may by the laws of the Province of Ontario invest trust funds or shall apply the same for the retirement of the bonds of the company or partly in one way and partly in any other or others.

1930, c. 17,
s. 17,
amended.

5. Section 17 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the sixth and seventh lines and inserting in lieu thereof the words "the Board," and by striking out the word "Commission" in the last line and inserting in lieu thereof the word "Board", so that the said section shall now read as follows:

Right of cor-
porations to
contribution
from others.

17. Notwithstanding the joint and several liability of the corporations under the provisions contained in sections 12 and 15 of this Act any corporation may, in respect of moneys paid by such corporation in any year, recover contribution from the other corporations to such amount as shall be determined by the Board in its sole discretion. Any dispute

between the corporations or any of them under this section may be settled by the Board, whose decision shall be final.

6. Section 18 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, is amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the sixth and seventh lines and inserting in lieu thereof the words "the Board," so that the said section shall now read as follows:

18. The railway may from time to time be extended into any municipality adjacent to the municipalities the corporations of which are parties to said agreement between the corporations and the company, but only upon such terms and conditions as may be approved by the majority of the corporations and by the Board.

7.—(1) Subsection 1 of section 23 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as amended by subsection 1 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is further amended by striking out the words "The Hydro-Electric Power Commission of Ontario" in the twenty-sixth and twenty-seventh lines and inserting in lieu thereof the words "the Board," and by inserting after the word "Commission" in the thirty-first line the words "the Board," so that the said subsection shall now read as follows:

(1) In the event of any alteration of the boundaries of the municipalities of the corporations which are parties to said agreement between the corporations and the company referred to in section 7 hereof either by the subdivision, redivision, absorption or amalgamation of said municipalities or any part thereof into new or existing corporations or by the annexation thereto of any additional territory or by the annexation thereof or any part thereof by any other municipal corporation, or in any other way whatsoever, the original corporations whose boundaries have been so altered shall remain parties to said agreement and the new corporations, if any, so formed shall upon their formation be parties to said agreement and be subject to all the provisions of this Act and of said agreement; and all of the ratepayers of the corporation the boundaries of the municipality of which have been enlarged by the annexation to it of the whole or any part of any other municipality shall be liable for the rates levied

to meet the obligations of such corporation under said agreement and also the obligations of any other corporation the whole of which has been annexed to it; and any municipal corporation whose boundaries have been reduced and the ratepayers of such reduced municipality shall remain liable for the obligations of that corporation; but the respective liabilities of any new corporations so formed and of corporations whose boundaries have been so reduced or enlarged as between themselves shall be determined by the Board, whose decision shall be final and binding upon all the corporations, provided that nothing in this section contained shall entitle any corporation to a return of any debentures heretofore or hereafter issued and deposited by it with the Commission, the Board or the company, except in accordance with the provisions hereinafter in this section contained.

1930, c. 17,
s. 23, subs. 2,
(1932, c. 56,
s. 3 (2)),
amended.

(2) Subsection 2 of the said section 23 as enacted by subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is amended by inserting after the word "or" in the fifth line the words "the Board," and by striking out the word "commission" wherever it appears in the fourteenth and fifteenth lines and inserting in lieu thereof the word "Board," so that the said subsection shall now read as follows:

Substitution
of debentures
on
boundary
alterations.

(2) If by reason of any alteration in the boundaries of the municipalities of the corporations made either before or after the date of enactment of this Act the commission in its discretion shall have determined or the Board shall hereafter determine that an adjustment be made in the respective liabilities of the corporations heretofore or hereafter arising in respect of the operation of the railway and in the respective amounts of debentures of the respective corporations mortgaged, hypothecated and pledged to the trustee under the indenture securing the bonds of the commission, the company, subject to the terms of such trust indenture, may with the approval of the Board and shall when directed by the Board cancel, release and deliver up to any corporation any debentures issued and deposited by it with the commission together with all coupons attached thereto.

1930, c. 17,
s. 23, subs. 8,
(1932, c. 56,
s. 3 (2)),
amended.

(3) Subsection 8 of the said section 23 as enacted by subsection 2 of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1932*, is amended by inserting

after the word "commission" in the first line the words "the Board," so that the said subsection shall now read as follows:

- (8) The commission, the Board, the company, the trust company and each of the corporations shall have ^{Power to carry out adjustment.} power to do and perform all acts, matters and things necessary to fully carry into effect the provisions of this section and the terms and requirements of any adjustment made thereunder.

8.—(1) Notwithstanding the provisions of any general or special Act, the Sandwich, Windsor and Amherstburg Railway Company may pass by-laws for the following purposes, ^{Powers of company to pass by-laws respecting operations.} provided that no such by-law shall come into force or effect unless and until the councils of every municipal corporation designated therein shall have by resolution consented thereto or, in default of such consent being given within two weeks after the receipt by such municipal corporations of the request of the said company therefor, unless and until the Ontario Municipal Board shall have, upon application of the said company, by order approved such by-law, that is to say,—

- (a) for regulating traffic including the location and erection of signs and lights for the guidance and direction of traffic, regulating or prohibiting the parking of vehicles, designating, marking and locating bus stops or bus stands, or locating and constructing passenger platform facilities, on such streets and to such extent as may be reasonably necessary to facilitate the operations of the said company;
- (b) for designating and locating a terminal site;
- (c) subject to the provisions of *The Gasoline Handling Act* and the regulations made thereunder, for constructing, erecting and maintaining on the said company's premises storage tanks and other facilities for the handling and storing of the said company's gasoline, benzine, motor oils, motor fuels and lubricants, and the approval and confirmation of any such construction, erection and maintenance heretofore begun, completed or undertaken; ^{Rev. Stat. c. 332.}
- (d) generally regarding matters affecting or ancillary to the said company's transportation units, systems and services;
- (e) for imposing penalties for the violation of any such by-law not exceeding, exclusive of costs, the sum of \$50 for each offence.

Municipalities affected to be designated.

(2) Every such by-law shall designate the municipal corporations affected thereby.

Effect of by-laws.

(3) Every such by-law shall be valid and effective in each municipality designated therein and in so far as any such by-law differs from or is inconsistent with any by-law passed by the commissioners of police or by the council of any of the corporations designated in any by-law passed under this section, the by-law passed under this section shall prevail.

Recovery of penalties.
Rev. Stat.,
c. 136.

(4) The penalties imposed by any such by-law shall be recoverable under *The Summary Convictions Act* and shall be paid to the treasurer of the municipality in which the offence occurred.

Declaration as to powers.

1930, c. 17.

9.—(1) Notwithstanding the provisions of this or any other Act, or of the agreement mentioned in section 2 of this Act, as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and as further amended by this Act, it is hereby declared that the Sandwich, Windsor and Amherstburg Railway Company has and has had since the 22nd day of September, 1934, power and authority,—

- (a) to abandon the operation of its electric street railway systems, or any part thereof, and vary or abandon any of the routes mentioned in Schedule "A" to the said agreement and substitute therefor a system or systems of bus lines;
- (b) to acquire motor buses, motor coaches or other types of vehicle and equipment and accessories therefor;
- (c) to operate bus lines and the vehicles used thereon over such routes as the said company from time to time may deem advisable, and generally do all acts and enter into all contracts which the said company deems advisable;
- (d) while operating as a going concern and prior to the institution of proceedings against the said company by or on behalf of the holders of bonds of the Commission issued in connection with the railway or bonds or debentures of the said company to sell, lease, mortgage, pledge or otherwise dispose of or alienate by way of collateral security or otherwise any of its equipment, chattel property, book accounts and prospective or earned or to be earned fares and tolls, and thereby to confer upon the purchaser, lessee, mortgagee, pledgee or alienee title thereto or interest therein, free, clear and unaffected by the

lien, mortgage, hypothecation or charge, statutory or otherwise, of or securing any of the said bonds and debentures.

(2) The exercise, prior to the coming into force of this Act, by the said company of any of the powers mentioned in this section is hereby validated and confirmed.

Past exercise of powers confirmed.

(3) The said company shall, after the coming into force of this Act, obtain the approval of the Ontario Municipal Board to the exercise of any of the powers mentioned in this section in such manner as the said Board may determine.

Future exercise of powers.

10.—(1) The agreement mentioned in section 2 of this Act as amended by *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, and as further amended by this Act is hereby declared to be in full force and effect and to be binding upon the Sandwich, Windsor and Amherstburg Railway Company and the municipal corporations of the township of Sandwich East, township of Sandwich West, town of Ojibway, town of Amherstburg, town of Tecumseh, town of Riverside, town of La Salle and the city of Windsor and any additional municipal corporations which may become parties to the said agreement.

Agreement of Jan. 1st, 1920, as amended, binding.

(2) It is hereby further declared that in construing the rights and obligations of the said company and of the said corporations under the said agreement full effect shall be given to the provisions of this Act.

No derogation of powers.

11. Notwithstanding the provisions of section 3 of *The Sandwich, Windsor and Amherstburg Railway Act, 1930*, as re-enacted by section 3 of this Act, the Lieutenant-Governor in Council may vary the number of members of the company and may appoint as a member of the company any person or persons nominated by any of the corporations or such person or persons as the Lieutenant-Governor in Council may deem advisable.

Power to vary number of members of company.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

13. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1939*.

Short title

CHAPTER 44.

The School Law Amendment Act, 1939.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 3 of *The Boards of Education Act* as amended by section 2 of *The School Law Amendment Act, 1938*, is further amended by striking out the words "one additional member" in the amendment of 1938 and inserting in lieu thereof the words "an additional member or additional members," so that the first two lines of the subsection and clause *e* shall now read as follows:

- (1) Except as hereinafter provided every municipal board shall be composed as follows:

Rev. Stat.,
c. 361, s. 3,
subs. 1, cl. *e*
amended.

Composition of
municipal
boards.

- (e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, for high school purposes, the council of such county at its first meeting in the second year following the passing of the resolution mentioned in section 2, may appoint an additional member or additional members of the board, as authorized by *The High Schools Act*.

Rev. Stat.,
c. 360.

2. Clause *b* of section 1 of *The Continuation Schools Act* as amended by subsection 1 of section 3 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 359, s. 1,
cl. *b*, re-
enacted.

- (b) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within a high school district or within a town, village or school section in which a grade A or grade B continuation school is established or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside

"County
pupils."

in municipalities or parts of municipalities in part of a county which is not included in a grade A or grade B continuation school section or high school district.

Rev. Stat.,
c. 359, s. 3,
amended.

3.—(1) Section 3 of *The Continuation Schools Act* is amended by adding thereto the following subsection:

When continuation school to be deemed public school.

Rev. Stat.,
c. 357.

(6a) For the purposes of subsections 1 and 2 of section 112 of *The Public Schools Act* a grade A or grade B continuation school shall be deemed to be a public school, but in no case shall the township council or councils be required to levy a rate thereunder for grants towards the salaries of more than one principal and two assistant teachers in any such school, nor shall any such grant be paid to any grade A or grade B continuation school in a continuation school section in which the amount paid for salaries of continuation school teachers amounts to less than eight mills on the tax rate.

Rev. Stat.,
c. 359, s. 3,
amended.

(2) The said section 3 is further amended by adding thereto the following subsections:

Election of trustees.

(11) Where a school section in which a continuation school has been established under subsection 1, or part thereof, becomes part of a township school area, trustees shall continue to be elected for the purposes of such continuation school in the same manner as though such school section had not been included in the township school area.

Management committee, —how constituted.

(12) Where a school section in which a continuation school has been established under subsection 3, or part thereof, becomes part of a township school area, the committee referred to in subsection 4 shall consist of three members to be elected by the rate-payers of the school section in which the school is situate, two members to be appointed by the board of the township school area and not more than two-thirds of the members of any board which has jurisdiction over a public school which is outside the township school area but within the continuation school section.

Rev. Stat.,
c. 359,
amended.

4. *The Continuation Schools Act* is amended by adding thereto the following section:

Resident pupil, county pupil, who to be deemed.

7a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a

school in the continuation school section in which he resides, he shall be deemed to be a resident pupil and if he is attending a school outside the continuation school section in which he resides, he shall be deemed to be a county pupil.

5. Subsection 1 of section 8 of *The Continuation Schools Act* is amended by striking out the word and figures "and 38" in the fifth line and inserting in lieu thereof the figures, word and letters "38, 38a and 38b," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 359, s. 8,
subs. 1,
amended.

- (1) The cost of education of county pupils attending grade A and grade B continuation schools shall be paid by the county council to the continuation school boards concerned and shall be charged, levied and collected in the manner provided in sections 35, 36, 37, 38, 38a and 38b of *The High Schools Act*.

Cost of
education of
county
pupils.

Rev. Stat.,
c. 360.

6. Subsection 4a of section 9 of *The Continuation Schools Act* as enacted by section 7 of *The School Law Amendment Act, 1938*, is amended by inserting after the symbol and figures "\$500" in the seventh line the words "chargeable to the general county levy," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 359, s. 9,
subs. 4a,
(1938, c. 35,
s. 7)
amended.

- (4a) Where an agricultural department is established by the Minister in a grade A continuation school the council of the county in which the grade A continuation school is situate shall on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department.

Grant for
agricultural
department.

7. Clause c of subsection 1 of section 1 of *The High Schools Act*, as amended by subsection 1 of section 10 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 1,
subs. 1,
cl. c, re-
enacted.

- (c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in that part of a county which is not within the limits of a high school district, or grade A or grade B continuation school section, or who are assessed in that part of a county, or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers who reside in municipalities or parts of municipalities in part of a county which is not included in a high school district or grade A or grade B continuation school section.

"County
pupils."

Rev. Stat.,
c. 360, s. 13,
subs. 1,
amended.

8.—(1) Subsection 1 of section 13 of *The High Schools Act*, as amended by subsection 1 of section 14 of *The School Law Amendment Act, 1938*, is further amended by adding at the commencement thereof the words "Subject to the provisions of section 13a."

Rev. Stat.,
c. 360,
amended.

(2) *The High Schools Act* is amended by adding thereto the following section:

Appointment
of trustees
by county
council.

13a.—(1) Where a majority of the members of a high school board or board of education are in favour of the appointment of three trustees by the county council, as indicated by a motion duly carried, the county council may appoint three trustees to such board, one of whom may reside in the county outside the district.

Retirement.

(2) Where a county council appoints three trustees to a high school board or a board of education, one of such trustees shall retire each year.

Order of
retirement.

(3) The county council shall, upon the appointment of three trustees to any high school board or board of education determine the order of their retirement.

Retirement
upon repeal
of motion
under
subs. 1.

(4) Upon the repeal of any motion passed under subsection 1, the county council may determine the time at which each of the trustees appointed by it shall retire, provided that in such case no trustee shall hold office for a longer period than the term of his appointment.

Rev. Stat.,
c. 360, s. 26,
subs. 1,
amended.

9. Subsection 1 of section 26 of *The High Schools Act* is amended by inserting after the word "institute" in the third line the words "continuation school," so that the said subsection shall now read as follows:

Providing
for
scholars'
attendance
at other
high
schools.

(1) With the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Rev. Stat.,
c. 360,
amended.

10. *The High Schools Act* is amended by adding thereto the following section:

- 34a. Where a pupil is both a resident pupil and a county pupil as defined by this Act, if he is attending a school in the high school district in which he resides, he shall be deemed to be a resident pupil, and if he is attending a school outside the high school district in which he resides, he shall be deemed to be a county pupil.
- Resident pupil, county pupil, who to be deemed.

11.—(1) Subsection 2 of section 35 of *The High Schools Act* is amended by striking out the word "ascertained" in the second line and inserting in lieu thereof the word "determined," and by striking out all the words after the word "year" in the fourth line and inserting in lieu thereof the words "and may be levied and paid in any year in respect of the cost of the current calendar year or the preceding calendar year," so that the said subsection shall now read as follows:

Rev. Stat., c. 360, s. 35, subs. 2, amended.

- (2) The cost of education of county pupils to be paid by the council of the county may be determined either on the basis of the cost of the preceding calendar year or on the estimated cost for the current calendar year, and may be levied and paid in any year in respect of the cost of the current calendar year or the preceding calendar year.
- Amount payable by county.

(2) Subsection 3 of the said section 35 is amended by striking out the words "Where in any year the cost is ascertained on the basis of" in the first and second lines and inserting in lieu thereof the words "Where in any year the amount levied is for," so that the said subsection shall now read as follows:

Rev. Stat., c. 360, s. 35, subs. 3, amended.

- (3) Where in any year the amount levied is for the cost for the preceding calendar year, the amounts payable by the council of the county shall become due and be paid not later than the 1st day of July of such year and shall be included in and levied and collected as part of the county rates for that year.
- When payable.

(3) Subsection 4 of the said section 35 is amended by striking out all the words down to and including the word "same" in the third line and inserting in lieu thereof the words "Where the council of a county provides in its estimates for the cost of education of county pupils for the current calendar year, the amount thereof," so that the said subsection shall now read as follows:

Rev. Stat., c. 360, s. 35, subs. 4, amended.

- (4) Where the council of a county provides in its estimates for the cost of education of county pupils for the current calendar year, the amount thereof shall be included in and levied and collected as part
- To be levied and collected as part of county rate.

of the county rates for that year, and the council of the county may from time to time pay on account of such estimates and shall pay the full amount of the cost for such year when it is finally ascertained as provided in this Act, but not later than the 1st day of July of the succeeding year.

Rev. Stat.,
c. 360, s. 36,
subs. 1, cl. c,
amended.

12.—(1) Clause *c* of subsection 1 of section 36 of *The High Schools Act* is amended by inserting after the word "for" in the seventh line the words "permanent improvements," so that the said clause shall now read as follows:

Cost of
education
of county
pupils in
high school
district, —
how cal-
culated.

(c) Thirdly, from the total gross expenditures ascertained as provided in clause *a* there shall be deducted the total gross revenues ascertained as provided in clause *b* and in addition thereto there shall be deducted from the said total gross expenditures an amount equal to twenty per centum of that part of the expenditures for permanent improvements, sinking fund or principal and interest upon debentures issued in respect to the school which have to be provided out of taxation, and the resultant amount ascertained after such deductions have been made shall be the net sum upon which the cost of education of the said county pupils shall be based and calculated.

Rev. Stat.,
c. 360, s. 36,
subs. 2,
(1938, c. 35,
s. 19 (3)),
re-enacted.

(2) Subsection 2 of the said section 36, as re-enacted by subsection 3 of section 19 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

County
pupils
attending
high school
in city or
town.

Rev. Stat.,
c. 359.

(2) Where county pupils and resident pupils as defined by this Act and resident pupils as defined by *The Continuation Schools Act* are attending a high school in a city or town situate in such county but separated therefrom for municipal purposes, or are attending a high school in a municipality in an adjacent county, whether separated therefrom or not, and notice has been given by the board of such high school that such high school is open to such county and resident pupils on the same terms as high schools in municipalities not separated from the county,—

(a) the cost of education to be paid respectively by the council of the county of which they are county pupils, and the high school district of which they are resident pupils, and the grade A or grade B continuation school section of which they are resident pupils shall be calculated and ascertained in the same manner as is provided in subsection 1;

(b)

- (b) the board may, prior to the 30th day of June in any year, give notice in writing to the clerk of the county in which any county pupils reside and to the secretary of the high school board or continuation school board for the high school district or grade A or grade B continuation school section in which any resident pupils reside that such high school will no longer be open to such county and resident pupils and upon the giving of such notice such county and resident pupils may continue to attend such high school only until the expiration of one school year after the 30th day of June in such year.

13.—(1) Subsection 2 of section 38 of *The High Schools Act* is amended by adding at the commencement thereof the words "Subject to the provisions of subsection 3." Rev. Stat., c. 360, s. 38, subs. 2, amended.

(2) The said section 38 is further amended by adding thereto the following subsection: Rev. Stat., c. 360, s. 38, amended.

- (3) The council of a county may, during the first or second year or both of the inclusion of any municipality or portion of a municipality located in such county which is included in a high school district or a continuation school section in which a grade A or grade B continuation school section is established and maintained, levy a portion of the cost of such education against the whole rateable property in any such municipality or portion of a municipality in the same manner as though such municipality or portion of a municipality were not included in any such high school district or continuation school section; provided the levy made during such year or years is for the purpose of paying that part of the cost of education of county pupils which is owing in respect of the preceding year. Cost of education of county pupils.

14. *The High Schools Act* is amended by adding thereto the following section: Rev. Stat., c. 360, amended.

- 38b. The board of a high school district shall not be entitled to collect from a county the cost of education of any county pupil until the board has furnished to the clerk of the county,— Information to be furnished to clerk.

- (a) a statement showing the average assessment of ratepayers in the high school district in which the school is situate; and

- (b) a statement signed by a parent or guardian showing whether or not such parent or guardian is assessed within the high school district in which the high school is situate and if so assessed the amount of such assessment.

Rev. Stat.,
c. 360, s. 40,
amended.

15. Section 40 of *The High Schools Act* is amended by inserting after the symbol and figures "\$500" in the fifth line the words "chargeable to the general county levy," so that the said section shall now read as follows:

County
grant to
agricultural
department.

40. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, chargeable to the general county levy, which shall be applied by the board to the purposes of such department.

Rev. Stat.,
c. 357, s. 15,
amended.

16.—(1) Section 15 of *The Public Schools Act* is amended by adding thereto the following subsection:

Inclusion of
union school
section
within
township
school area

- (1a) The council of a township shall have the power to include a union school section within a township school area when the school building of the union school section is in the portion of the union lying within the township, and providing also the council of each township containing any remaining portion of the union school section passes a resolution giving its assent; and where the union school section is so included in the township school area all parts of the union shall be regarded as a part of the township for all public school purposes.

Rev. Stat.,
c. 357, s. 15,
amended.

(2) The said section 15 is further amended by adding thereto the following subsection:

Powers of
board of
township
school
area.

- (7b) The board of the township school area shall have the same powers as an urban public school board in the matter of the selection and purchase of school sites, the filling of vacancies on the board, the application to the municipal council for the issue of debentures and other matters of an incidental or similar nature.

Rev. Stat.,
c. 367, s. 8,
subs. 5,
re-enacted.

17. Subsection 5 of section 8 of *The School Attendance Act* is repealed and the following substituted therefor:

- (5) A board of public school trustees or separate school trustees in unsurveyed territory or territory without municipal organization shall appoint one or more school attendance officers. In unsurveyed or unorganized territory.

- (5a) A board of public school trustees or separate school trustees for any school in which not fewer than five teachers are employed may appoint one or more school attendance officers. In any school having five teachers or more.

18. Subsection 3 of section 13 of *The Vocational Education Act* is amended by striking out the word and figures "section 36" in the fourth line and inserting in lieu thereof the words, figures and letter "sections 36 and 38b," so that the said subsection exclusive of clauses *a* and *b* shall now read as follows: Rev. Stat., c. 369, s. 13, subs. 3, amended.

- (3) The cost of education of county pupils to be paid by the council of a county shall be calculated, ascertained and paid in the same manner, *mutatis mutandis*, as is provided in subsections 2, 3, 4, 5 and 6 of section 35 and sections 36 and 38b of *The High Schools Act* and as part of the county rates shall be levied in the following manner,— Cost of education of county pupils.
- Rev. Stat., c. 360

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19.—(1) Sections 1 and 8 of this Act shall be deemed to have been in force from the 1st day of January, 1939. Commencement of ss. 1 and 8;

(2) Sections 11 and 13 of this Act shall be deemed to have been in force from the 1st day of January, 1937. Ss. 11 and 13

20. This Act may be cited as *The School Law Amendment Act, 1939*. Short title

CHAPTER 45.

The Security Transfer Tax Act, 1939.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion.

(a) "Regulations" shall mean regulations passed under the authority of this Act; "Regula-
tions."

(b) "Security" shall include,—

"Security."

(i) any share of capital stock or debenture stock and any bond or debenture issued by any association, company, corporation or government;

(ii) any participating interest in the operations or profits of any association, company or corporation represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, syndicate units and fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities; and

(iii) guaranteed trust certificates and investment receipts;

(c) "Treasurer" shall mean Treasurer of Ontario.

"Treasurer."

2. There shall be imposed, levied, collected and paid to Tax
His Majesty for the uses of Ontario, a tax,— imposed.

(a) upon every change of ownership consequent upon the sale, transfer or assignment of a security made or carried into effect in Ontario;

- (b) upon every order given to any person, firm or corporation in Ontario for the sale, transfer or assignment of a security when such order is to be executed outside of Ontario;
- (c) upon every transfer or delivery of a security exchanged for another security in Ontario, provided that this clause shall not apply where a company through a reorganization of its capital structure calls in or redeems part or all of its issued securities and replaces them by other securities issued by such company to the same security holders; and
- (d) upon every delivery in Ontario of a security held in Ontario for the account of a non-resident of Canada consequent upon the sale, transfer or assignment executed within or without Ontario by or for such non-resident;

provided that only one of the clauses contained in this section shall apply to the same transaction.

Amount of
tax.

3.—(1) The tax imposed by section 2 shall be as follows:

- (a) Three cents for every one hundred dollars or fraction thereof, of the par value of a bond, debenture or debenture stock;
- (b) For every share sold, transferred or assigned at a price or valuation of,—
 - (i) over one hundred and fifty dollars per share, four cents per share, plus one-tenth of one per centum of the price or value of the said share in excess of one hundred and fifty dollars,
 - (ii) over seventy-five dollars per share, but not more than one hundred and fifty dollars per share, four cents per share,
 - (iii) over fifty dollars per share, but not more than seventy-five dollars per share, three cents per share,
 - (iv) over twenty-five dollars per share, but not more than fifty dollars per share, two cents per share,
 - (v) over five dollars per share, but not more than twenty-five dollars per share, one cent per share,

(vi) one dollar per share, but not more than five dollars per share, one-quarter of one cent per share, and

(vii) less than one dollar per share, one-tenth of one per centum of the price or value; and

(c) Three cents for every one hundred dollars or fraction thereof of the price or value of each syndicate unit, mineral deed, oil royalty, guaranteed trust certificate or investment receipt.

(2) Except as hereinafter provided, if a change of ownership otherwise than by sale at the current market price is effected, of any share of stock, such change of ownership shall be subject to the tax imposed by this Act, computed on the basis of the current market price of such share of stock. Determination of value

(3) In any case where a current market price has not been established by recent sales, or where it is difficult to ascertain the value of the shares of stock, the Treasurer may fix a price which shall be the price on which the tax shall be paid. Idem.

(4) In this section the terms "share" and "share of stock" shall include a share of any participating interest in the operations or profits of any association, company or corporation and to a guaranteed trust certificate and an investment receipt. "Share of stock," meaning of.

4. The tax imposed by this Act shall be payable in security transfer tax stamps or cash by the vendor, transferor, assignor or, in the case of transfers and deliveries referred to in clauses *c* and *d* of section 2, by the person, company, corporation, bank or trust company making delivery. Manner of payment.

5. (1) The following transactions shall not be subject to the tax imposed by this Act,— Transactions exempt.

(a) the sale, transfer or assignment of any bond, debenture or share of debenture stock of the Dominion of Canada or of any province of Canada;

(b) the allotment by any association, company or corporation of its shares in order to effect an issue thereof, and the first issue of a bond, debenture, share of debenture stock or of any participating interest in the operations or profits of any association, company or corporation, represented by certificates or other instruments of title capable of being sold, transferred or assigned, including mineral deeds, oil royalties, fixed investment trust shares issued by a trustee and representing an equitable ownership in deposited securities;

- (c) the first issue of a guaranteed trust certificate or investment receipt; and
- (d) the transfer or assignment of a security made by a borrower *bona fide* as collateral security for an advance or loan and the retransfer or reassignment of such security to the borrower, provided that upon the property in the security passing to the lender as a result of the failure of the borrower to satisfy such advance or loan a change of ownership shall be deemed to have occurred and shall be subject to the tax imposed by this Act.

Underwriting
of bond,
etc., to be
deemed
first issue.

(2) For the purposes of this section the underwriting of a bond, debenture or debenture stock, or the first transaction whereby ownership or control is established, shall be deemed to be a first issue thereof.

Books and
records.

6.—(1) Every person liable under this Act or the regulations to collect and pay the tax imposed by this Act shall keep such books and records at his place of business in Ontario as the Treasurer may require, and such books and records shall be open at all reasonable times to the inspection of the officers of the Treasury Department or such other persons as may be authorized by the Treasurer to inspect them.

Failure to
keep books.

(2) If any person liable to maintain books and records for the purposes of this Act has, in the opinion of the Treasurer, failed to maintain adequate books and records, the Treasurer may assess the tax payable by such person and the tax so assessed shall be deemed to be due and payable forthwith.

Preventing
inspections.

(3) Any person who in any way prevents or attempts to prevent any such officer or other person from having access to or inspecting any such books and records, and any person who being liable to keep such books and records refuses to produce them for inspection as required by subsection 1, shall be liable to a penalty of not less than \$500 and not more than \$5,000.

Transaction
by Ontario
broker.

Rev. Stat..
c. 265.

7. Every transfer, sale or assignment, ordered, made or carried into effect through a person engaged in the business of a broker within the meaning of *The Securities Act* in Ontario either for himself or on behalf of another person, shall be deemed to be ordered, made or carried into effect in Ontario unless the Treasurer certifies that the contrary has been established to his satisfaction.

Collection
of tax.

8.—(1) Every stock broker, bond dealer, bank, trust company, person, company or corporation selling, transferring or assigning a security or taking or making delivery of a security on behalf of any person, shall collect from such person,

the tax imposed by this Act and remit the amount thereof if paid in money, to the Treasurer in accordance with the regulations, and for such purpose the stock broker, bond dealer, bank, trust company, person, company or corporation shall be the agent of the Treasurer.

(2) Every stock broker, bond dealer, bank, trust company, person, company or corporation which fails to comply with the provisions of subsection 1 shall be liable, in addition to the payment of the tax collected or to be collected, to a penalty of \$500. Penalty for failure to collect tax.

9.—(1) Every company or corporation, including every extra-provincial company or corporation which has a branch, or an agency, or an office of any kind in Ontario, shall on or before the last day of the month ending four months following the close of its fiscal year make an annual return to the Treasurer showing every sale, transfer or assignment of any registered security issued by such company or corporation made or carried into effect in Ontario, together with the amount of tax collected under this Act. Annual return.

(2) The return shall be verified by a certificate certifying that the statements in the return are in agreement with the books and records of the company or corporation, and such certificate shall be signed by the president or some other officer having personal knowledge of the affairs of the company or corporation, and in the case of an extra-provincial company, by the manager or chief agent of the company in Ontario, or by such other person or persons connected with the company as the Treasurer may require. Verification of return.

(3) In the case of a company or corporation, the shares, bonds, or debenture stock of which are sold and transferred upon an incorporated stock exchange, the Treasurer may accept a return from such exchange showing the total amount of such sales, transfers or assignments and the total amount of the tax collected under this Act. Record of stock exchange.

(4) In the case of a company or corporation which has duly appointed a trust company as transfer agent for its shares, bonds or debenture stock, the Treasurer may accept, in lieu of the annual return of such company, a statement from the transfer agent to the effect that the tax on all transfers made during the preceding year has been accounted for in accordance with the provisions of this Act and the regulations. Records of transfer agent.

(5) If a company or corporation makes default in complying with the provisions of this section, the company or corporation shall incur a penalty of \$20 for every day during which the default continues, and every director, manager or secretary of the company or corporation who wilfully authorizes or permits such default shall incur a like penalty. Penalty for violation.

Penalty for
permitting
entry in
register.

10. Any company or corporation entering or permitting the entry in any book or register under its control of any sale, transfer, or assignment of any security issued by it, unless the tax has been paid when such entry is made, shall incur a penalty of not less than an amount equal to the amount of the tax due and a further amount of not less than \$20 and not more than \$50.

Obtaining
of informa-
tion.

11. For the purpose of obtaining any information which he may deem necessary for the purposes of this Act, the Treasurer may,—

(a) demand from any company or corporation or any officer or employee thereof, or any other person, such information as may be indicated in a letter delivered or sent by prepaid post to such company, corporation, officer, employee or other person and every such company, corporation, officer, employee or other person shall furnish to the Treasurer all such information which he has in his possession or under his control, in writing, within one month of the delivery or sending of such letter; or

(b) appoint any officer of the Treasury Department to make such inquiry as may be necessary to obtain such information and for the purposes of such inquiry such officer shall have all the power and authority that may be conferred upon a commissioner under *The Public Inquiries Act*;

Rev. Stat.,
c. 19.

provided that any act done or proceeding taken under either of the clauses of this section shall not preclude the Treasurer from proceeding under the other clause

Liability
for tax.

1939, c. 10.

12. Notwithstanding any prior assessment or if no assessment has been made the person liable thereto shall continue to be liable for any tax imposed by this Act, or by *The Corporations Tax Act* upon a change of ownership of a share, bond or other security, and to be assessed therefor and the Treasurer may at any time assess, reassess or make additional assessments upon any person for tax and penalties.

Demand
for payment.

13. Where the Treasurer finds any tax to be owing by any person he may send a demand for the payment of such tax to such person by prepaid post and such person shall pay the amount of the tax to the Treasurer within thirty days of the sending of such demand and in default of payment of such amount, a penalty of five per centum of the amount of tax payable shall be added thereto and thereafter a further penalty of one per centum per month shall be added for each additional month or portion thereof during which the tax and penalty remain unpaid, and the penalties imposed by this subsection shall be recoverable in the same manner as taxes imposed by this Act.

14. When it is shown to the satisfaction of the Treasurer that any change of ownership consequent upon the sale, transfer or assignment of a security, or upon any other transaction mentioned in section 2, is subject to a tax outside of Ontario and is subject to a similar tax under the laws of Ontario, he may make an allowance from the tax payable in Ontario in respect of the tax so paid. Tax payable outside Ontario.

15. Every person who makes any return or furnishes any information to the Treasurer under this Act containing any false statement shall be liable to a penalty of not more than \$10,000. Penalty for false statement;

16. Any person who, being thereto liable, neglects or refuses to pay the tax imposed by this Act, or who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall be liable for every such violation to a penalty of not less than an amount equal to the amount of the tax due and not more than an amount equal to \$500 more than the amount of the tax due; provided that where no tax is due by such person the penalty shall be not less than \$50 and not more than \$500. Violations.

17.—(1) The tax imposed by this Act and the penalties imposed by sections 8, 9, 10, 13, 15, and 16 may be recovered by an action in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury. Recovery of tax and penalties.

(2) Except where otherwise provided, the penalties imposed by this Act may be recovered in the manner provided by *The Summary Convictions Act* and shall be payable to the Treasurer. Penalties. Rev. Stat., c. 136.

18. If any doubt or dispute arises as to the liability of a person to pay a tax or any portion of a tax demanded under the authority of this Act, or if owing to special circumstances it is deemed inequitable to demand payment of the whole amount imposed by this Act, the Treasurer may accept such amount as he may deem proper, and if the tax demanded has been paid under protest he may refund it or any part thereof. Dispute as to liability for tax.

19. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) authorizing or requiring the Deputy Treasurer or any other officer of the Treasury Department to exercise any power or perform any duty conferred or imposed upon the Treasurer by this Act;

- (b) prescribing the forms of returns required to be made by this Act and the information to be furnished therein;
- (c) determining what constitutes a sale, transfer or assignment within the meaning of this Act;
- (d) prescribing in any case or class of cases the manner in which and the persons by whom the amount of any tax shall be computed and collected for and on behalf of His Majesty;
- (e) providing for the sale of stamps at a discount not exceeding three per centum to such persons and for such periods as he deems advisable; and
- (f) generally for the better carrying out of the provisions of this Act.

Affidavits
and declara-
tions.

20. Declarations and affidavits in connection with this Act may be taken before any person having authority to administer an oath, or before any person specifically authorized for that purpose by the Lieutenant-Governor in Council, but any person so specifically authorized shall not charge any fee therefor.

Information
obtained
under Act, —

21.—(1) No person employed in the service of His Majesty shall communicate or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this Act, or allow any such person to inspect or have access to any written statement furnished under the provisions of this Act.

penalty for
disclosing.

(2) Any person violating any of the provisions of this section shall be liable to a penalty of not more than \$200.

Rev. Stat.,
c. 29,
ss. 14-19,
repealed.

22. Sections 14, 15, 16, 17, 18 and 19 of *The Corporations Tax Act* are repealed.

Commence-
ment of Act.

23. This Act shall come into force on the 1st day of May, 1939.

Short title.

24. This Act may be cited as *The Security Transfer Tax Act, 1939.*

CHAPTER 46.

An Act respecting a Company to be known as the
Southern Algoma Railway Company.

Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sir James Dunn, Bart., of the City of London, England, ^{Incorporation.} President; William Charles Franz, Vice-President; John Alexander McPhail, Vice-President; Thomas Francis Rahilly, Managing Director; Victor McLeod, Purchasing Agent, all of the City of Sault Ste. Marie, in the Province of Ontario, and such other persons and corporations as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of The Southern Algoma Railway Company, hereinafter called "the Company."

2. The capital of the Company shall be \$100,000. ^{Capital stock.}

3. The head office of the Company shall be at the City of ^{Head office.} Sault Ste. Marie, Ontario.

4. The board of directors shall consist of not less than ^{Board of directors.} five and not more than seven persons.

5. The said Sir James Dunn, Bart., William Charles Franz, ^{Provisional directors.} John Alexander McPhail, Thomas Francis Rahilly and Victor McLeod shall be the provisional directors of the Company.

6. The Company is authorized and empowered,— ^{Power to acquire railway.}

(a) to acquire, purchase or lease from Algoma Steel Corporation Limited the railway properties of Algoma Steel Corporation Limited in the District of Algoma, together with its rolling stock and equipment, rights and properties incidental thereto as a going concern and to maintain and operate the same;

(b) to enter into an agreement with the said Algoma

Steel Corporation Limited for the purpose of operating the said railway properties;

(c) to construct, purchase, acquire and operate other railways within the District of Algoma in the Province of Ontario;

(d) to extend to the Canadian Pacific Railway and the Algoma Central Railway any railway which it may acquire or construct or operate by virtue of the powers vested in it by this Act; and

(e) to conduct a general railway and steamship business.

Bonding
powers.

Rev. Stat.,
c. 259.

7. Subject to the provisions of *The Railway Act* (Ontario), the Company may issue bonds, debentures, debenture stock or other security in an amount not exceeding \$25,000 per mile of single track of the said railway, and an additional amount not exceeding the actual value of any improvements or betterments to be made upon or to the said railway or rolling stock and other equipment employed or used in connection therewith and proposed to be acquired from the said Algoma Steel Corporation Limited or other company or person.

Applica-
tion of
provisions
of Rev.
Stat.,
c. 259.

8. Save as otherwise provided by this Act, *The Railway Act* (Ontario) shall apply to the said railway and the whole undertaking thereof.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Southern Algoma Railway Company Act, 1939*.

CHAPTER 47.

The Statute Law Amendment Act, 1939.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Assignment of Book Debts Act* is repealed and the following substituted therefor: Rev. Stat., c. 183, s. 17, re-enacted.

17. For services under this Act each proper officer shall be entitled to receive the following fees: Fees.

1. For filing and registering an assignment,—fifty cents.
2. For filing and registering a certificate of discharge,—fifty cents.
3. For a general search,—twenty-five cents.
4. For any certificate of registration or discharge or other certificate for purposes of this Act,—twenty-five cents.
5. For copy of any document filed under this Act including certificate, every one hundred words, — ten cents.

2. Section 36 of *The Bills of Sale and Chattel Mortgage Act* is repealed and the following substituted therefor: Rev. Stat., c. 181, s. 36, re-enacted.

36. For services under this Act the officers shall be entitled to the following fees,— Schedule of fees.

- (a) for registering each instrument or copy or renewal statement, fifty cents;
- (b) for registering an assignment, fifty cents;
- (c) for registering a certificate of discharge, fifty cents;

- (d) for a general search or for a search as to any particular person, twenty-five cents;
- (e) for production and inspection of any instrument or document, ten cents;
- (f) for copies of any instrument or document and certifying the same, ten cents for every hundred words;
- (g) for a certificate of registration of any instrument given at the time of registration, twenty-five cents.

Rev. Stat.,
c. 251, s. 24,
subs. 1, cl. g,
amended.

3.—(1) Clause g of subsection 1 of section 24 of *The Companies Act* is amended by inserting after the word "insurance" in the seventh line the words "or for any object similar to those set forth in this clause," so that the said clause shall now read as follows:

- (g) establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this clause, and subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

Rev. Stat.,
c. 251, s. 300,
cl. g,
amended.

(2) Clause g of subsection 1 of section 300 of *The Companies Act* is amended by adding at the end thereof the words "but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of the *National Housing Act* (Canada), or any amendments thereto," so that the said clause shall now read as follows:

Real estate.

- (g) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an

insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of the *National Housing Act* (Canada), or any amendments thereto.

See R.S.C.,
c. 101, s. 54,
subs. 2,
cl. b.

4. Section 4 of *The Conditional Sales Act* as amended by section 4 of *The Conditional Sales Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 182, s. 4,
is re-enacted.

4. The clerk of the county or district court shall make a record of every contract or renewal statement of which a copy is filed in his office under this Act in an index book to be kept for that purpose and shall be entitled to the following fees for services under this Act:

- | | |
|--|--------|
| (a) for filing each copy of a contract or renewal statement and making a record thereof..... | \$.50 |
| (b) for filing each discharge or assignment and making a record thereof..... | .50 |
| (c) for a general search..... | .25 |
| (d) for the production or inspection of any copy or document filed..... | .10 |
| (e) for copies of or extracts from any copy or document filed, whether made by the person making the search or by the clerk, per hundred words..... | .10 |
| (f) for a certificate of the filing of or identifying any copy or document filed giving time, date and number of filing when required, or any other proper certificate not otherwise provided for..... | .50 |

5. Section 4 of *The Consolidated Revenue Fund Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 21, s. 4,
amended.

- (4) Where a municipality fails to pay any debenture held by the Treasurer or interest thereon as the same becomes due, the Treasurer may negotiate and accept a settlement in payment and satisfaction of such indebtedness and may exchange such debenture for a new debenture issued by such municipality payable at such time or times and upon such terms as may be agreed.

Settlement
and refund-
ing of
municipal
debentures.

Rev. Stat.,
c. 59, s. 23,
amended.

6.—(1) Section 23 of *The Department of Municipal Affairs Act* is amended by adding thereto the following clause:

"Sheriff's
office."

(cc) "Sheriff's office" shall mean the office of the sheriff for the county or district in which a municipality subject to this Part is situate.

Rev. Stat.,
c. 59, s. 43,
subs. 4,
amended.

(2) Subsection 4 of section 43 of *The Department of Municipal Affairs Act* is amended by inserting after the word "office" in the fifth line the words "and the sheriff's office," so that the said subsection shall now read as follows:

Notice of
registration
of certifi-
cate.

(4) Immediately upon registration of a tax arrears certificate, the treasurer shall cause to be sent by registered mail to the last known address of the assessed owner of the land therein described and to all persons appearing by the records of the registry office and the sheriff's office to have an interest therein a written notice (Form 2), of the registration of such certificate and of the last day for redemption of such land.

Rev. Stat.,
c. 59, s. 44,
subs. 1,
amended.

(3) Subsection 1 of section 44 of *The Department of Municipal Affairs Act* is amended by inserting after the word "office" in the second line the words "or the sheriff's office," so that the said subsection shall now read as follows:

Right of
redemption.

(1) The owner of or any person appearing by the records of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, together with the amount of all expenses incurred by the corporation and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 43, and also by paying to the corporation all taxes including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be com-

puted at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

(4) Subsection 1 of section 45 of *The Department of Municipal Affairs Act* is amended by striking out the word and figures "and 45" in the second line and inserting in lieu thereof the word and figures "44 and 47," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 59, s. 45,
subs. 1,
amended.

(1) Every certificate registered under sections 43, 44 and 47 shall be entered by the registrar in the registry book in its proper order and in the proper abstract index provided under *The Registry Act*.

Duty of
registrar.

Rev. Stat.,
c. 170.

(5) The said section 45 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 59, s. 45,
amended.

(2a) The sheriff shall issue a certificate with respect to each name searched under section 43 for which he shall be entitled to a fee of twenty-five cents.

Certificate
of sheriff.

(6) Section 46 of *The Department of Municipal Affairs Act* is amended by striking out the figures "45" in the third and fifth lines respectively and inserting in lieu thereof the figures "47," so that the said section shall now read as follows:

Rev. Stat.,
c. 59, s. 46,
amended.

46. Where lands to which section 43 applies are registered in a land titles office, the certificates which may be registered under the provisions of sections 43, 44 and 47 shall be registered in the proper land titles office and the provisions of the said sections 43, 44 and 47 shall, *mutatis mutandis*, apply to lands entered in a land titles office.

Registration
of certificates.

7. Section 80 of *The Division Courts Act* is amended by striking out the word "substantial" in the first line and inserting in lieu thereof the word "substitutional," so that the said section shall now read as follows:

Rev. Stat.,
c. 107, s. 80,
amended.

80. The judge may make an order for substitutional service or for service by advertisement or otherwise.

Substitutional
service.

8. Subsection 1 of section 5 of *The Election Act* is amended by striking out the words "of at least ten years' standing at the Bar of Ontario" in the second and third lines, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 8, s. 5,
amended.

Appoint-
ment of
Chief
Election
Officer.

- (1) The Lieutenant-Governor in Council shall appoint some person being a barrister, and a permanent officer of the Legislature or of the Assembly or otherwise employed in the public service, to be Chief Election Officer and may appoint some other person possessing the like qualifications to be Assistant Chief Election Officer.

Rev. Stat.,
c. 125, s. 28,
amended.

9. Section 28 of *The Execution Act* is amended by striking out the words and figures "or of a certificate under section 27" in the first and second lines, and by inserting after the word "cents" in the third line the words and figures "and for the registration of a certificate under section 27 to the fee provided by *The Registry Act*" so that the said section shall now read as follows:

Fees of
Registrar
and sheriff.

28. For the registration of a notice under section 24 the registrar or master shall be entitled to a fee of fifty cents, and for the registration of a certificate under section 27 to the fee provided by *The Registry Act*, and for every notice of seizure under section 24 the sheriff shall be entitled to a fee of \$1, and for every certificate under section 27 to a fee of seventy-five cents.

Rev. Stat.,
c. 170.

Rev. Stat.,
c. 194, s. 82,
subs. 1, cl. a,
amended.

10.—(1) Clause *a* of subsection 1 of section 82 of *The Factory, Shop and Office Building Act* is amended by inserting after the word "shops" in the third line the words "hair-dressing shops, beauty parlours and shoe repair shops," so that the said clause shall now read as follows:

"Shop."

- (a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, hair-dressing shops, beauty parlours and shoe repair shops, but shall not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.

Rev. Stat.,
c. 194, s. 82,
subs. 3,
amended.

(2) Subsection 3 of the said section 82 is amended by striking out all the words after the word "day" in the seventh line so that the said subsection shall now read as follows:

By-law
determining
hours of
closing.

- (3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

11. The amendments made to *The Farm Products Control Act* at this session of the Legislature shall come into force on the day upon which they receive the Royal Assent. Commencement of Farm Products Control Amendment Act, 1939.

12. Section 5 of *The Female Refuges Act* is amended by striking out the words "who proves unmanageable or incorrigible" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 384, s. 5, amended.

5. The inspector may direct the removal of any inmate from an industrial refuge to a common gaol or to the Andrew Mercer Ontario Reformatory for Females. Transfer to gaol or reformatory.

13. Subsection 1 of section 12 of *The Houses of Refuge Act* is amended by striking out the word "six" in the thirteenth line and inserting in lieu thereof the word "four," so that the said subsection shall now read as follows: Rev. Stat., c. 385, s. 12, subs. 1, amended.

- (1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of four per centum per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand. Transfer of property to corporation by inmates of houses of refuge.

14.—(1) Subsection 1 of section 42 of *The Jurors Act* is amended by inserting after the word "sheriff" in the fourth line, the words "any two of whom shall be a quorum," so that the said subsection shall now read as follows: Rev. Stat., c. 108, s. 42, subs. 1, amended.

- (1) In a provisional judicial district where there are two judges of the district court, the judges and the sheriff, and where there is but one judge, the judge, the clerk of the district court and the sheriff, any two of whom shall be a quorum, shall be the district selectors of jurors. District selectors.

(2) Subsection 2 of section 97 of *The Jurors Act* is amended by adding at the commencement thereof the words "Subject" Rev. Stat., c. 108, s. 97, subs. 2, amended.

to any agreement made between the corporation of the county and the corporation of the county town," so that the said subsection shall now read as follows:

How to be
dealt with.

- (2) Subject to any agreement made between the corporation of the county and the corporation of the county town, such sum in the case of a county shall be forthwith paid over to the treasurer of the county, and shall form part of the fund for the payment of petit jurors, and in the case of a district shall be forthwith paid over to the treasurer of the district and shall form part of the Consolidated Revenue Fund.

Rev. Stat.,
c. 108,
Sched. A,
amended.

- (3) Schedule A to *The Jurors Act* is amended by striking out the words "Assessment Roll of the municipality for the present year" in the third and fourth lines of the last paragraph and inserting in lieu thereof the words "proper lists of the municipality," so that the said paragraph shall now read as follows:

We, the above-named local Selectors for the Municipality of _____, solemnly declare, each for himself, that we have made the selection and distribution of Jurors in this Report from the proper lists of the municipality to the best of our judgment and information, pursuant to the directions of *The Jurors Act*, and that we have so made the same without fear, favour or affection of, to or for any person or persons whomsoever, gain, reward, or hope thereof, other than the fees to which we are entitled under the provisions of that Act.

Rev. Stat.,
c. 132, s. 19,
amended.

15. Section 19 of *The Justices of the Peace Act* is amended by adding at the end thereof the words "and the sum of \$1 for all services connected with the case where there is no hearing," so that the said section shall now read as follows:

Fees in
certain
cases not
otherwise
provided for.
R.S.C. 1927,
c. 36.

19. In cases not provided for by the *Criminal Code* and *The Summary Convictions Act* a magistrate and a justice of the peace not receiving a salary shall be entitled to receive from the county, or, in the case of a district, from the Province, \$2 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and fifty cents for each additional hour above two hours, and the sum of \$1 for all services connected with the case where there is no hearing.

Rev. Stat.,
c. 136.

Rev. Stat.,
c. 12, s. 15,
subs. 2,
amended.

16. Subsection 2 of section 15 of *The Legislative Assembly Act* is amended by striking out the word "and" in the fifth line and inserting in lieu thereof the words "Minister of," so that the said subsection shall now read as follows:

- (2) Nevertheless, whenever any person holding the office of President of the Council, Attorney-General, Secretary and Registrar of Ontario, Treasurer of Ontario, Minister of Lands and Forests, Minister of Mines, Minister of Agriculture, Minister of Public Works, Minister of Highways, Minister of Education, Minister of Health, Minister of Municipal Affairs, Minister of Public Welfare, or Minister of Labour, and being at the same time a member of the Assembly, resigns his office, and within one month after his resignation accepts any other of the said offices, he shall not thereby vacate his seat in the Assembly, unless the Administration of which he was a member has resigned, and a new Administration occupies the said offices, and in case a member of the Executive Council holding any one of the said offices, is appointed to hold another office in addition to or in connection with such first mentioned office, he shall not thereby vacate his seat, and any increase or change of emolument arising from the holding of such two offices shall not cause a vacancy or render a re-election necessary.

Saving in case of exchange of offices in Executive Council.

17.—(1) Section 22 of *The Loan and Trust Corporations Act* is amended by striking out the words "grant pensions and allowances and make payments towards insurance and" in the seventh and eighth lines and inserting in lieu thereof the words "to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection and to," so that the said section shall now read as follows:

Rev. Stat., c. 257, s. 22, amended.

- (1) A corporation shall possess as incidental and ancillary to the powers set out in its letters patent, power to establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons, and to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

Powers of company as to benefit funds, etc., for employees and their families.

(2) The said section 22 is further amended by adding thereto the following subsection:

Rev. Stat., c. 257, s. 22, amended.

- (2) Every corporation, whether incorporated by letters patent or not, shall be deemed to have possessed

Declaration as to powers of corporation.

since the date of its incorporation, the incidental and ancillary powers set forth in subsection 1 including the power to exercise such powers jointly with any registered corporation, by whatever authority incorporated, possessing the same or similar powers, in such a way as to benefit the employees or ex-employees of such corporations or predecessors in business of such corporations or the dependents or connections of such persons.

Rev. Stat.,
c. 133, s. 14,
subs. 1,
amended.

18. Subsection 1 of section 14 of *The Magistrates Act* is amended by striking out the word "annual" in the second line, so that the said subsection shall now read as follows:

Salaries
to be
fixed by
Lieutenant-
Governor in
Council.

(1) Every magistrate appointed under this Act shall be paid such salary as may be fixed by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 200, s. 32,
subs. 1,
amended.

19.—(1) Subsection 1 of section 32 of *The Mechanics' Lien Act* is amended by inserting after the word "arising" in the ninth line the words "under the building contract or," so that the said subsection shall now read as follows:

Powers of
certain
officers.

(1) The Master, Assistant Master and the county or district judge, in addition to their ordinary powers shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein, including power to set aside a fraudulent conveyance or fraudulent mortgage, or a mortgage which amounts to a preference within the meaning of the *Bankruptcy Act* (Canada), or of *The Assignments and Preferences Act*, and all questions of set-off and counterclaim arising under the building contract or out of the work or service done or materials furnished to the property in question.

R.S.C.,
c. 11.

Rev. Stat.,
c. 179.

Rev. Stat.,
c. 200, s. 42,
amended.

(2) Section 42 of *The Mechanics' Lien Act* is amended by adding at the end thereof the words "provided that where a counterclaim is set up by a defendant the amount and apportionment of the costs in respect thereof shall be in the discretion of the judge or officer trying," so that the said section shall now read as follows:

Limit of
cost to
plaintiff
and upon
counter-
claim.

42. The costs of the action, exclusive of actual disbursements awarded to the plaintiffs and successful lienholders, shall not exceed in the aggregate twenty-five per centum of the total amount found to have been actually due on the liens at the time of the registration thereof, and shall be apportioned and borne in such proportion as the judge or officer who

tries the action may direct, but in making such apportionment he shall have regard to the actual services rendered by or on behalf of the parties respectively, provided that where a counterclaim is set up by a defendant the amount and apportionment of the costs in respect thereof shall be in the discretion of the judge or officer trying.

(3) Section 43 of *The Mechanics' Lien Act* is amended by Rev. Stat., c. 200, s. 43 inserting after the word "exceed" in the second line the words amended. "except in the case of a counterclaim," so that the said section shall now read as follows:

43. Where costs are awarded against the plaintiff or other persons claiming liens they shall not exceed, Limit of costs to be awarded against plaintiffs. except in the case of a counterclaim, twenty-five per centum of the claim of the plaintiff and the other claimants, besides actual disbursements, and shall be apportioned and borne as the judge or officer may direct.

20. Section 16 of *The Mental Hospitals Act* is amended by Rev. Stat., c. 392, s. 16, adding thereto the following subsection: amended.

(3) The Deputy Minister shall have authority to transfer any patient in an institution to a psychiatric hospital under *The Psychiatric Hospitals Act* for investigation or treatment, and to return such patient to the institution when the patient has received such investigation or treatment as may be necessary. Transfer to psychiatric hospital. Rev. Stat., c. 393.

21.—(1) Section 13 of *The Mining Tax Act* is repealed Rev. Stat., c. 28, s. 13, and the following substituted therefor: re-enacted.

13. Where a person liable for payment of a tax under section 4 in respect of a mine is also during any year in which such tax is payable liable for and paying to the municipality or municipalities in which such mine is situate, a tax upon income derived from such mine, he shall be entitled to deduct from the amount of the tax payable under section 4 the amount of such municipal income tax to the extent of an amount equal to the sum for which he is liable and which is payable to the municipality or municipalities under the provisions of subsection 9 of section 39 of *The Assessment Act*, provided that notice of the amount and proof of the liability for and payment of such municipal income tax is furnished to the mine assessor at such time and in such manner as he may require. Allowance for income tax paid to municipality. Rev. Stat., c. 272.

Rev. Stat.,
c. 28, s. 19,
amended.

(2) Subsection 3 of section 19 of *The Mining Tax Act* is repealed and the following substituted therefor:

"Co-owner"
what to
include.

(3) For the purpose of this section two or more co-holders, co-lessees or co-occupiers shall be deemed to be co-owners.

Company
and share-
holder
deemed co-
owners.

(4) For the purpose of this section an incorporated company and a shareholder therein shall be deemed to be co-owners of the lands of such company.

Service of
order on
company.

(5) Any order made against an incorporated company under this section shall be directed to such company only.

Rev. Stat.,
c. 71, s. 5,
amended.

22. Section 5 of *The Municipal Drainage Aid Act* is amended by striking out the words "and Highways" in the fourth line, so that the said section shall now read as follows:

Advances on
account.

5. The Lieutenant-Governor in Council may authorize the advance of the whole par value of the debentures, or the retention of such percentage thereof as he may see fit until the Minister of Public Works has reported that the works have been inspected and are completed, and the expenses in connection with the investigation and inspection shall be deducted from the amount, if any, retained.

Rev. Stat.,
c. 115, s. 5,
amended.

23. Section 5 of *The Negligence Act* is amended by inserting after the word "defendant" in the fourth line the words "or may be made a third party to the action," so that the said section shall now read as follows:

Adding
party
defendant.

5. Whenever it appears that any person not already a party to an action is or may be wholly or partly responsible for the damages claimed, such person may be added as a party defendant or may be made a third party to the action upon such terms as may be deemed just.

Rev. Stat.,
c. 34, s. 12,
subs. 1,
amended.

24. Subsection 1 of section 12 of *The Northern Development Act* is amended by striking out the words "and Highways" in the fourteenth line, so that the said subsection shall now read as follows:

Powers of
Minister as
to taking
lands for
roads.

(1) The Minister may, for and in the name of His Majesty, purchase or acquire, and, subject as herein-after mentioned, may himself or by his engineers, superintendents, agents, workmen or servants, for any purpose relative to the use, construction, main-

tenance or repair of a road, without the consent of the owner thereof, enter upon, survey, take and expropriate any land which the Minister may deem necessary for the use, construction, maintenance or repair of a road, or for procuring stone, gravel, timber or other material for use in making, maintaining or repairing a road, and for the purposes of the powers conferred by this section the Minister shall have and may exercise the like powers and shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon or takes land or property for the use of Ontario, and the provisions of that Act shall apply, *mutatis mutandis*.

Rev. Stat.,
c. 54.

25. Subsection 3 of section 12 of *The Old Age Pensions Act* is amended by inserting after the words "shall be" in the fourth line the words "tendered for registration or entry in a registry office or land titles office or," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 314, s. 12,
subs. 3,
amended.

- (3) Upon registration of the notice, no deed, grant, conveyance, transfer, mortgage, charge, lease, assignment or other instrument purporting to convey or transfer any land or any interest therein, made and executed by a pensioner, shall be tendered for registration or entry in a registry office or land titles office or registered in a registry office or entered in any land titles office, unless the consent in writing of the chairman or a member of the Commission is endorsed thereon, and until such consent is so endorsed thereon, no land or any interest therein so conveyed or dealt with by a pensioner shall vest in any person named in such instrument.

Consent
of Commis-
sioner to
registration.

26.—(1) Clause *d* of section 59 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 60, s. 59,
amended.

- (d) authorize the issue by a municipality, without the assent of the electors, of debentures to pay any floating indebtedness which it may have incurred, upon such terms, in such manner and at such times as the Board may approve, or direct that such floating indebtedness be paid in such other manner and within such time as the Board may require;
- (dd) authorize the issue by a municipality, without the assent of the electors, of debentures to retire debentures which are redeemable before maturity.

Floating
debt.

Callable
debentures.

Rev. Stat.,
c. 60, s. 59,
cl. f,
amended.

(2) Clause *f* of the said section 59 is amended by inserting after the word "it" in the third line the words "or before any authorization is given by the Board to the issue by a municipality of debentures to pay any floating indebtedness," so that the said clause shall now read as follows:

Assent of
electors
to by-laws.

(f) direct that before any approval is given by the Board to the exercise of any powers by a municipality or to any by-law passed by it or before any authorization is given by the Board to the issue by a municipality of debentures to pay any floating indebtedness, the assent of the electors thereof or of those thereof who are qualified to vote on money by-laws first be obtained, notwithstanding such assent is not otherwise requisite.

Rev. Stat.,
c. 60, s. 107,
re-enacted.

(3) Section 107 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor:

Fees of
Board.

107. There shall be paid upon every application to the Board or every order thereof such fee as the Board may direct, regard being had to the time occupied by the Board and its officers and the expense occasioned to the Province in the matter, and such fee shall be paid in the first instance by the applicant and shall be a debt due by the applicant to His Majesty and a summary order may be made by the Board for payment thereof, and such summary order may be made an order of the Supreme Court.

Rev. Stat.,
c. 270, s. 5,
subs. 7,
amended.

27. Subsection 7 of section 5 of *The Planning and Development Act* is amended by striking out the word "five" in the sixth line and inserting in lieu thereof the word "three," so that the said subsection shall now read as follows:

Fee to be
paid to
city on
approval
of plan.

(7) Any person surveying and subdividing into lots any land situated within the boundaries of any city, town or village or of any township within an urban zone shall pay to the treasurer of such city, town or village or of such township at the time of the application for the approval of the council thereof a fee of three cents per foot frontage for all land surveyed and subdivided by such plan and fronting upon any highway already existing or laid out upon such plan, and the council may withhold its approval of such plan until payment of the proper fees payable hereunder.

Rev. Stat.,
c. 16, s. 4,
amended.

28. Section 4 of *The Public Officers Act* is amended by striking out the words "or for any mayor or other officer or member of any corporation therein," in the second and third lines, so that the said section shall now read as follows:

4. It shall not be necessary for any person appointed to any office in Ontario, or for any person admitted, called or received as a barrister, notary public or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:—

What oath
necessary.
Allegiance.

"I, *A.B.*, do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty King George the Sixth (*or the Reigning Sovereign for the time being*), as lawful Sovereign of Great Britain, Ireland and the Dominions beyond the seas, and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which I may know to be against Him or any of them; And all this I do swear without any equivocation, mental evasion or secret reservations; So help me God."

Form.

and also such oath for the faithful performance of the duties of his office or for the due exercise of his profession or calling as may be required by any law in that behalf.

Oath of
office.

29. Section 12 of *The Public Officers' Fees Act* is amended by inserting after the symbol and figures "\$1,800" in the eighth line the words "or the amount at which he is commuted as the case may be," and by inserting after the symbol and figures "\$1,800" in the eleventh line the words "or to the amount at which he is commuted as the case may be" so that the said section shall now read as follows:

Rev. Stat.,
c. 18, s. 12,
amended.

12. Where it appears by a return to the Lieutenant-Governor or to any department of the Government that in any year a sheriff, local registrar of the Supreme Court, deputy registrar, county or district court clerk, and registrar of the surrogate court, whether holding one or more of the above offices, has derived from the fees, emoluments and salary, if any, of his office, after deducting necessary disbursements, an income which does not exceed \$1,800, or the amount at which he is commuted as the case may be, there may, on the report of the Inspector of Legal Offices, be paid to such officer out of the Consolidated Revenue Fund an amount sufficient to make up the income for the year to \$1,800, or to the amount at which he is commuted as the case may be, if the Lieutenant-Governor in Council so directs.

Minimum
salary for
certain
officers.

30.—(1) Section 1 of *The Public Works Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 54, s. 1,
amended.

"Board."

(a) "Board" shall mean the Ontario Municipal Board; and by relettering the present clause *a* as clause *aa*.

Rev. Stat.,
c. 54, s. 1,
cl. *f*,
amended.

(2) Clause *f* of the said section 1 is amended by striking out all the words after the word "Works" in the first line so that the said clause shall now read as follows:

"Minister."

(f) "Minister" shall mean Minister of Public Works.

Rev. Stat.,
c. 54, s. 31,
subs. 5,
amended.

(3) Subsection 5 of section 31 of *The Public Works Act* is amended by striking out the figures "157" in the first line and inserting in lieu thereof the figures "103", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 60, s. 103,
not to apply.

(5) Section 103 of *The Ontario Municipal Board Act* shall not apply to any appeal under this section.

Rev. Stat.,
c. 91, s. 4,
subs. 3,
amended.

31. Subsection 3 of section 4 of *The Research Foundation Act* is amended by striking out the words "In the absence" at the commencement thereof and inserting in lieu thereof the words "Upon the death and during any absence or illness," so that the said subsection shall now read as follows:

Powers of
vice-
chairman.

(3) Upon the death and during any absence or illness of the chairman, or at his request, the vice-chairman shall preside at the meetings of the Foundation and shall have and may exercise the powers of the chairman.

1935, c. 71,
amended.

32. *The Unemployment Relief Act, 1935*, is amended by adding thereto the following section:

Recovery of
relief
monies from
estate of
deceased
recipient.

13b. A municipality shall be entitled to recover without interest out of the estate of a deceased recipient of direct relief as a debt due by such recipient to the municipality the sum of the amounts expended by the municipality for the relief of such person and his family.

Rev. Stat.,
c. 88, s. 23,
amended.

33. Section 23 of *The Vital Statistics Act* is amended by adding thereto the following subsection:

Registration
of birth
of child
legitimated
by marriage.

(2) If persons claiming to be the parents of a child subsequently legitimated by their marriage file with the Registrar-General such evidence as he may require, the Registrar-General may register such child as if legitimate at birth.

1933, c. 111,
ss. 1, 2 and
3, —effect of.

34. Sections 1, 2 and 3 of *The Windsor, Essex and Lake Shore Railway Act, 1933*, shall be deemed to have been in

force and effect from the 1st day of July, 1938, and shall continue in force and effect until the 30th day of June, 1940.

35. Subsection 1 of section 2 of *The Statute Law Amendment Act, 1936*, shall apply to all taxes which heretofore have been imposed or levied, or which hereafter and prior to the 31st day of December, 1939, are imposed and levied by the council of any municipality under the authority of any general or special Act. 1936, c. 56, s. 2, subs. 1, —application of.

36. —(1) The deed of conveyance from His Majesty the King represented by the Honourable the Minister of Public Works for Ontario to The Hospital for Sick Children of the lands and premises situate in the City of Toronto between Roxborough Street East and Douglas Drive and the old Belt-Line Railway, containing 15 acres more or less, known as Chorley Park, and more particularly described in said deed of conveyance, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto and all other parties concerned according to its tenor and effect. Transfer of Chorley Park confirmed.

(2) The said lands and premises described in said deed of conveyance, whether used by The Hospital for Sick Children for hospital purposes or otherwise and whether occupied by any person as tenant or lessee of said Hospital shall, so long as and to the extent that such lands and premises remain the property of The Hospital for Sick Children and notwithstanding the provisions of *The Assessment Act*, *The Local Improvement Act* or any other general or special Act, be exempt from all municipal taxation including school and local improvement rates or taxes. Chorley Park exempt from taxation. Rev. Stat., cc. 272, 269.

(3) Notwithstanding the provisions of subsection 2, the exemptions from taxation therein provided for shall not apply to any part of the said lands under lease from the Hospital for Sick Children to any person for any term exceeding five years. Exception to subs. 2.

37. By-law No. 716 passed by the council of the corporation of the county of Lennox and Addington on the 31st day of March, 1939, to equalize the assessments of the several townships, towns and villages in the county of Lennox and Addington for the purposes of rating in the year 1939, is hereby confirmed and declared to be legal, valid and binding upon the municipalities comprising the county of Lennox and Addington. By-law No. 716 county of Lennox and Addington confirmed.

38. This Act may be cited as *The Statute Law Amendment Act, 1939*. Short title

CHAPTER 48.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1940.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from The Honourable Preamble
Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1940, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of \$63,122,705-
.90
this Province, there may be paid and applied a sum not granted for
fiscal year
1939-40.
exceeding in the whole Sixty-three million, one hundred and twenty-two thousand, seven hundred and five dollars and ninety cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1939, to the 31st day of March, 1940, as set forth in schedule "A" to this Act.

2. Accounts in detail of all moneys received on account of Accounts
to be laid
before
Assembly.
this Province during the financial year 1939-40 and of all expenditures under schedule "A" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

3. Any part of the money under schedule "A" appropriated Appro-
priations for
1939-40
unexpended
to lapse.
by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1940, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such sub-

sequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24. Accounting
for
expenditure. 4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-
ment of Act. 5. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty, to defray expenses of:

Agriculture Department.....	\$2,301,456.25
Attorney-General's Department..	2,565,802.10
Education Department.....	11,557,986.00
Game and Fisheries Department..	681,250.00
Health Department.....	11,308,950.00
Highways Department.....	1,129,800.00
Insurance Department.....	67,100.00
Labour Department.....	641,816.55
Lands and Forests Department..	2,775,420.00
Legislation.....	273,575.00
Lieutenant-Governor's Office....	10,000.00
Mines Department.....	425,550.00
Municipal Affairs Department...	227,850.00
Prime Minister's Department...	157,920.00
Provincial Auditor's Office.....	113,500.00
Provincial Secretary's Department.....	2,036,005.00
Provincial Treasurer's Department.....	1,562,125.00
Public Welfare Department.....	19,631,900.00
Public Works Department.....	5,550,300.00
Miscellaneous.....	104,400.00

Total estimates for expenditure of 1939-

1940..... \$63,122,705.90

CHAPTER 49.

An Act to confirm Tax Sales.

*Assented to April 14th, 1939.**Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All sales of land situate within any municipality, or within any school section in an unorganized township, in Ontario, held prior to the 1st day of January, 1938, and purporting to have been made for arrears of taxes payable to the municipal corporation or to the school board of the school section in an unorganized township, in respect to the land so sold, are hereby confirmed and declared to be legal, valid and binding, and all conveyances of land so sold, executed or purporting to be executed as required by *The Assessment Act*, and purporting to convey such land to the purchaser thereof, or his heirs or assigns, or to the municipal corporation or school board, are also confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting such land in the purchaser, or his heirs or assigns, or their heirs or assigns, or in the municipal corporation or school board or its successors or assigns, as the case may be, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right, title and interest of the owners thereof at the time of such sale, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accruing after those for non-payment of which such land was so sold.

Tax sales
and con-
veyances
confirmed.

Rev. Stat.,
c. 272.

2.—(1) Every tax arrears certificate registered prior to the 1st day of January, 1938, and purporting to have been registered pursuant to *The Ontario Municipal Board Act*, 1932, or *The Department of Municipal Affairs Act*, 1935, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple or otherwise according to the nature of the estate or interest of the owner thereof at the time of such registration, clear of and free from all right, title and interest of such owner or his assigns, and of all charges or encumbrances or dower therein.

Registered
tax arrears
certificates
confirmed.

1932, c. 27,
1935, c. 16.

Right of redemption continued.

(2) Notwithstanding that under subsection 1, land in respect to which a tax arrears certificate has been registered has become vested in the municipality, and that the period for redemption thereof has expired, the treasurer thereof may, with the approval of the Department of Municipal Affairs, permit such land to be redeemed in the manner provided in section 44 of *The Department of Municipal Affairs Act*.

Rev. Stat., c. 59.

Registered redemption certificates confirmed.

1932, c. 27.
1935, c. 16.
Rev. Stat., c. 59.

3. Every redemption certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Ontario Municipal Board Act, 1932*, *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered vacating certificates confirmed.

1935, c. 16.
Rev. Stat., c. 59.

4. Every vacating certificate registered prior to the coming into force of this Act, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act, 1935*, or *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall have and be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate or interest in the land described therein, notwithstanding that the Department of Municipal Affairs had not authorized the agreement, if any, for composition and payment of the arrears of taxes in respect to such land.

Pending litigation not affected.

5. Nothing in this Act contained shall affect or prejudice any rights of any person under any action, litigation or other proceeding now pending, but such action, litigation or other proceeding may be continued and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown.

6. Nothing in this Act contained shall in any way affect or defeat the Crown in respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Short title.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1939*.

CHAPTER 50.

An Act to amend The Tile Drainage Act.

*Assented to April 14th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Tile Drainage Act* Rev. Stat., c. 72, s. 1, subs. 1, amended. is amended by adding at the commencement thereof the words "Subject to the provisions of sections 70 and 71 of *The Ontario Municipal Board Act*," so that the said subsection shall now read as follows:

- (1) Subject to the provisions of sections 70 and 71 of *The Ontario Municipal Board Act* Borrowing powers of councils. the council of a town, village or township may pass by-laws (Form 1) for borrowing for the purposes hereinafter mentioned in sums of not less than \$2,000, and not exceeding \$200,000 in the whole, such amount as they may deem expedient, and for issuing therefor debentures of the municipality (Form 2) payable within ten or twenty years from the date of such debentures which shall bear date in the year in which the money is borrowed from the municipality as is hereinafter provided, and bearing interest at a rate of not less than four per centum per annum, and it shall not be necessary to obtain the assent of the electors to any such by-law before the passing thereof. Rev. Stat., c. 60.

(2) Subsection 2 of the said section 1 is amended by striking out all the words after the figures "\$200,000" in the fourth line and inserting in lieu thereof the following words: "and no such by-law shall be passed except at a meeting of the council especially called for the purpose of considering it and of which notice has been published in accordance with the provisions of subsection 2a," so that the said subsection shall now read as follows: Rev. Stat., c. 72, s. 1, subs. 2, amended.

- (2) The amount of the indebtedness of the municipality Proviso in respect of money so borrowed and remaining unpaid, including the amount provided for in any by-law being passed, shall not at any time exceed

\$200,000, and no such by-law shall be passed except at a meeting of the council especially called for the purpose of considering it and of which notice has been published in accordance with the provisions of subsection 2a.

Rev. Stat.,
c. 72, s. 1,
amended.

(3) The said section 1 is further amended by adding thereto the following subsection:

Notice of
meeting.

(2a) A notice (Form 3) of every such meeting shall be published at least once each week for three successive weeks in such newspaper as the council may by resolution direct, and the first publication of such notice shall be not less than four weeks prior to the holding of such meeting.

Rev. Stat.,
c. 72, s. 5,
subs. 1,
amended.

2. Subsection 1 of section 5 of *The Tile Drainage Act* is amended by striking out the word "may" in the second line and inserting in lieu thereof the word "shall," so that the said subsection shall now read as follows:

Application
for disposal
of debentures.

(1) The council, after the expiration of one month from the last publication under section 2, shall deposit with the Treasurer of Ontario a copy of the by-law, with affidavits of the head and clerk of the municipality (Forms 5 and 6), and may at any time thereafter apply for the purchase by the Province of the debentures authorized thereby.

Rev. Stat.,
c. 72,
amended.

3.—(1) *The Tile Drainage Act* is amended by adding thereto the following section:

Assign-
ment of
debentures.

11a. The Treasurer of Ontario may sell, transfer and assign any debentures issued under this Act to the Accountant of the Supreme Court of Ontario or the Workmen's Compensation Board.

Applica-
tion of
section.

(2) The provisions of this section shall apply only to debentures issued after the coming into force of this Act.

Rev. Stat.,
c. 72, s. 18,
re-enacted.

4. Section 18 of *The Tile Drainage Act* is repealed and the following substituted therefor:

Discharge
of indebted-
ness by
owner.

18. The owner of land in respect of which money has been borrowed, may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality which the Treasurer or his assignee holds in respect of the said indebted-

ness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality.

5. Section 20 of *The Tile Drainage Act* is amended by inserting after the words "Treasurer of Ontario" where they occur in the third line of subsection 1 and in the sixth line of subsection 4 respectively, the words "or his assignee," so that the said subsections shall now read as follows:

- (1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality to the Treasurer of Ontario or his assignee within one month after the same became payable, together with interest at the rate of seven per centum per annum during the time of any default in payment.

Repayment
by municip-
ality to
Province.

- (4) No treasurer or other officer shall, after such default, pay out of the funds of the municipality any sum except for the ordinary current disbursements, and salaries of clerks and other employees of the municipality or debts due to the Province until the amount so in arrear and the interest has been paid to the Treasurer of Ontario or his assignee.

Duty of
municipal
treasurer
after
default.

6. The paragraph numbered 2 in Form 1 in the Schedule to *The Tile Drainage Act* is amended by inserting after the word "that" where it occurs the first time in the first line the words "subject to the provisions of section 10 of *The Tile Drainage Act*," so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 72,
Form 1,
par. 2,
amended.

2. That, subject to the provisions of section 10 of *The Tile Drainage Act* when the Council shall be of opinion that the application of any person to borrow money for the purpose of constructing a tile, stone or timber drain should be granted in whole or in part, the Council may, by resolution, direct the Reeve (or Mayor) to issue debentures as aforesaid, and to borrow a sum not exceeding the amount applied for, and may lend the same to the applicant on the completion of the drainage works.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

8. This Act may be cited as *The Tile Drainage Amendment Act, 1939*.

Short title.

CHAPTER 51.

The Training Schools Act, 1939.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

- (a) "Board" shall mean The Training Schools Advisory Board; Interpretation.
"Board."
- (b) "Department" shall mean the Department over which the Minister has charge; "Department."
- (c) "Foster home" shall include the dwelling of any trustworthy and respectable person where a boy or girl is permitted to live under section 22, a home or other institution maintained by any religious or charitable organization for the purpose, in whole or in part, of providing a home for boys or girls, or both, and any hospital connected therewith, and any other home, institution or place designated by the Board; "Foster home."
- (d) "Inspector" shall mean such officer of the Department as may be designated by the Minister; "Inspector."
- (e) "Judge" shall mean judge of a county, district or juvenile court, or magistrate; "Judge."
- (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; "Minister."
- (g) "Municipality" shall mean county, city and separated town and in a provisional judicial district shall also mean a town and township having a population of 5,000 or over; "Municipality."
- (h) "Ontario training school" shall mean a training school owned and operated by the Government of Ontario under this Act; "Ontario training school."

"Private training school."

(i) "Private training school" shall mean a training school operated by a society under this Act;

"Regulations."

(j) "Regulations" shall mean regulations made under the authority of this Act;

"Society."

(k) "Society" shall mean religious society, organization or order or charitable or philanthropic organization;

"Superintendent."

(l) "Superintendent" shall mean superintendent or other person in charge of a training school; and

"Training school."

(m) "Training school" shall mean a training school established under this Act and shall include Ontario training school and private training school.

Purpose of training schools.

2.—(1) The purpose of a training school shall be to provide the boys or girls therein with a mental, moral, physical and vocational education, training and employment.

Gifts.

(2) Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school.

Establishment of training schools:

3.—(1) The Lieutenant-Governor in Council may provide for the establishment of Ontario training schools.

Name.

(2) Every training school established under this section shall bear the name "The Ontario Training School for Boys (or Girls)" followed by the name of the municipality where the school is located or the name of such other municipality as the Lieutenant-Governor in Council may designate.

Property vested in Crown.

(3) All real and personal property acquired by purchase, gift or otherwise pertaining to Ontario training schools shall be vested in the Crown represented therein by the Minister of Public Works.

Cost of establishing and maintaining.

(4) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as may be appropriated for such purpose by the Legislature and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund.

Private training schools.

4.—(1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, authorize any society to establish and maintain a private training school, provided that, subject to the other provisions of this Act, any society so authorized shall be responsible for the maintenance in proper condition of such training school, its premises and

equipment, and the Lieutenant-Governor in Council may cancel any authority issued by him under this subsection for any reason which in his opinion warrants such cancellation.

(2) A private training school shall bear such name or Name. other designation as may be approved by the Lieutenant-Governor in Council, but no such name or designation shall contain the phrase "Ontario Training School."

(3) A private training school shall not be erected, acquired Approval of site and plan. or established until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given.

(4) Any religious corporation may set apart and grant Granting or leasing of land. or lease for a nominal consideration or otherwise for training school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust.

5. (1) There shall be a board of five members to be known Training Schools Advisory Board. as "The Training Schools Advisory Board," the members of which shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure, and the Lieutenant-Governor in Council may designate one of the members to be chairman of the Board.

(2) The Minister may appoint a secretary for the Board. Secretary

(3) The Board shall meet at the call of the Minister or the Meetings. chairman.

(4) The Board shall act in an advisory capacity to the Board to act in advisory capacity. Minister and when requested by him so to do shall consult with him as to the administration of this Act and of training schools.

(5) The Board shall by visiting, inspecting and otherwise Inspection of training schools. investigating training schools, ascertain the condition thereof and of the boys and girls therein, particularly as to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, health, treatment, conduct and discipline and shall make such reports to the Minister as he may require together with any recommendations which it deems advisable.

(6) The Board may designate any home, institution or Designating foster home. other place as a foster home.

Allowance
to members
of Board.

(7) The members of the Board shall serve without remuneration, provided that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board.

Inspection
of schools.

6.—(1) Every training school shall be inspected by the inspector who shall have free access to all parts of the training school and the premises where it is located and to all books and records of such training school, and in the case of a private training school the inspector shall also have authority to inspect the books and records of the society maintaining such training school in so far as they relate to the training school.

Minister
may request
inspection
of training
school.

(2) The Minister may request any inspector or other officer or employee of any other department to conduct an inspection of any training school for any special purpose and for the purposes of such inspection, such inspector, officer or employee shall have the same powers as an inspector acting under subsection 1.

Reports of
inspections.

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister may require.

Certain
children
under 16
may be
brought
before judge.

7.—(1) Any person may bring before a judge any boy or girl apparently under the age of sixteen years who,—

- (a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;
- (b) is found wandering and has not any home or settled place of abode or proper guardianship;
- (c) is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;
- (d) is an habitual truant and whose parent or teacher represents that he is unable to control the boy or girl;
- (e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

(f) has been accused or found guilty of petty crime; or

(g) proves unmanageable or incorrigible.

(2) No formal information shall be requisite, but the judge shall have the boy or girl brought before him and shall in the presence of the boy or girl take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof. Judge to inquire into truth of facts charged.

(3) The judge shall hear all cases coming before him under this section in camera. Hearing in private.

(4) If the judge is satisfied on inquiry that it is expedient to deal with the boy or girl under this Act, he shall make his order in writing that the boy or girl be sent to a training school. Judge may order child to school.

(5) Any order made under this Act shall be subject to an appeal to the Court of Appeal and such appeal may be at the instance of any next friend. Appeal to Court of Appeal.

8. Where under the authority of any Statute of Ontario or of any other Statute or law of Canada, any person is convicted of an offence punishable by imprisonment, and the judge before whom he is convicted is of opinion that such offender is under the age of sixteen years, the judge may direct him to be sent to a training school. Child under 16 may be sent to training school.

9. The judge shall forward a copy of the evidence taken before him to the superintendent of the training school to which the boy or girl is sent and a copy to the Board, provided that where the evidence is unusually long he may send copies of a statement containing all facts relating to the boy or girl in lieu thereof. Copy of evidence to be sent to superintendent.

10. The Minister may, at any time, order that a boy or girl,— Powers of Minister.

- (a) who has been made a ward of a children's aid society under the provisions of *The Children's Protection Act* or any other boy or girl one of whose parents or guardians consent thereto, unless there is no parent or guardian, and who in the opinion of the Minister is in need of the training and discipline offered by a training school shall be admitted to a training school; Rev. Stat., c. 312.
- (b) be transferred from one training school to another or to any foster home; or
- (c) be discharged from a training school either absolutely or on such conditions as he may think fit;

and every such boy or girl shall be admitted, transferred or discharged accordingly.

Religion of
child to be
considered.

11. As far as practicable, a Roman Catholic boy or girl shall be sent to a training school maintained by a Roman Catholic society and a boy or girl of any other religious persuasion to an Ontario training school or a private training school other than one maintained by a Roman Catholic society.

Visits by
clergymen.

12. A clergyman of the religious persuasion to which a boy or girl appears to belong may visit the boy or girl at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by the regulations.

Transporta-
tion of
children to
school.

13.—(1) Every boy or girl sent to a training school shall where practicable be taken to the school by an agent or member of a children's aid society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance.

Expenses
in a provi-
sional
judicial
district.

(2) The expenses of conveying any boy or girl to a training school from any part of a provisional judicial district not included in a city or separated town or in a town or township having a population of 5,000 or over, shall be payable out of any money appropriated for the administration of justice in provisional judicial districts.

School to be
designated
in order.

14.—(1) The judge or Minister shall in his order sending or admitting a boy or girl to a training school, designate the school to which the boy or girl is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the boy or girl, as well as the religious persuasion and the municipality liable for maintenance.

When order
to be
binding.

(2) A copy of the order shall be forwarded by registered post to the clerk of the municipality declared liable for maintenance and unless within one month of the mailing thereof the corporation of such municipality applies to the Minister, in cases where the order was made by the Minister, and in other cases to the judge making the order, or to the judge of the division court of the division in which the parent, step-parent or guardian of the boy or girl resides, to vary such order by having some other municipality declared liable for the maintenance of the boy or girl, the corporation shall subject to the provisions of sections 17 and 18 be estopped from denying liability thereunder.

Liability of
municipal-
ity.

15.—(1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the

municipality to which the boy or girl belongs shall be liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay the sum of fifty cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the boy or girl in the training school.

(2) For the purposes of this section, a boy or girl shall be deemed to belong to the municipality in which such boy or girl has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the municipality in which the boy or girl was taken into custody shall be presumed.

Where boy or girl belongs.

(3) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which the boy's or girl's mother has last resided for one year shall be deemed liable for maintenance.

Where mother's residence taken.

(4) In the computation of the time in subsections 2 and 3, the time during which the boy or girl, or the mother of such boy or girl, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.

Periods to be excluded in fixing time.

(5) In all other cases, the judge shall determine the municipality to which the boy or girl belongs.

Other cases.

16. When under this Act the charges for any boy or girl in a training school are payable by a municipality, the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in any court of competent jurisdiction.

Statements of account to be rendered.

17. Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that such boy or girl was not a resident therein but at the time of admission to a training school was a resident in another municipality in Ontario, the municipality which made the payment may recover the amount thereof as a debt from the municipality in which such boy or girl was a resident and

Mutual right of recourse against proper municipality.

upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 18.

Municipal
right of
recourse.

18. Upon payment by a municipality of any account rendered to it under this Act, such municipality may recover from any person liable in law in respect to such boy or girl, the amount of the payment so made, and such amount may be recovered as a debt in any court of competent jurisdiction.

County's
right to
contribution.

19. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county, in which such boy or girl was a resident at the time of admission to a training school.

Contribu-
tion from
Province to
private
schools.

20.—(1) The sum of fifty cents per day and in the case of a boy or girl belonging to a part of a provisional judicial district not within a city or separated town or a town or township having a population of 5,000 or over the sum of seventy-five cents per day for each day's actual stay of a boy or girl in a private training school shall be paid quarterly by the Treasurer of Ontario to the society maintaining the training school out of any moneys appropriated for that purpose.

How amount
to be calcu-
lated.

(2) In calculating the amount of aid to be so given, the day of departure of any boy or girl from such institution shall be included.

How grant
to be
payable.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the inspector approved by the Minister.

School
wardship
over boys
and girls.

21.—(1) Every boy or girl sent or admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and, subject to the provisions of the regulations, shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by Statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school.

Restoration
of other
wardship.

(2) When the Minister provides that the wardship of the training school shall cease, the boy or girl shall thereupon become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

(3) The Board shall exercise and maintain supervision over every boy and girl sent or admitted to a training school after the boy or girl leaves the training school and until the termination of the wardship of the training school, and shall keep such records and provide for such visits as may be prescribed by the regulations. Supervision after leaving school.

22. The Board and superintendent with the approval of the Minister, may permit any boy or girl upon leaving a training school, to live at a foster home or at the dwelling of any trustworthy and respectable person, and the control of the Board and superintendent shall not thereby be abated or diminished, and the municipality in which such boy or girl was resident at the time of admission to such school shall be liable in the same manner and amount as provided in section 15 for each actual day's stay of the boy or girl in such foster home or other dwelling. Placing out of boys and girls.

23.—(1) If a boy or girl sent to a training school escapes therefrom or neglects to attend thereat he may, at any time before the determination of wardship, be apprehended without warrant, and may be brought back to the school. Apprehension or escape.

(2) If the boy or girl leaves the foster home or dwelling without the permission of the Board, or refuses to return to the training school, he shall be deemed to have escaped from the training school. What to be deemed an "escape."

24.—(1) Every person who,—

Penalties.

- (a) aids or abets any boy or girl to escape from a training school;
- (b) knowingly makes, or procures to be made, any false statement in any return required under this Act; or
- (c) contravenes any of the provisions of this Act or the regulations;

shall be liable to a penalty of not more than \$100 or to imprisonment for a term of not exceeding three months or to both fine and imprisonment.

(2) The penalties provided by this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties. Rev. Stat., c. 136.

25. The officers of a society maintaining a private training school may, subject to the provisions of the regulations and the approval of the Minister, make such rules as they may deem necessary,— Rules governing private training schools.

- (a) providing for the appointment of the superintendent and other officers and employees;
- (b) for the management and discipline of the training school; and
- (c) for the more efficient operation of the training school.

Regulations. **26.** Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) in regard to Ontario training schools,—
 - (i) providing for the appointment of superintendents and such officers and employees as he may deem necessary and for remuneration of such persons;
 - (ii) providing for the use in a training school of such products and articles as may be produced on the premises thereof and for the sale of any surplus products or articles that may be produced or manufactured on such premises; and
- (b) in regard to all training schools,—
 - (i) prescribing the powers and duties of the board;
 - (ii) prescribing the powers and duties of superintendents including the control which they may exercise over boys and girls;
 - (iii) fixing the age at which and conditions under which boys and girls may be admitted to training schools, the period during which they may be kept at training schools and the conditions under which they may leave or be discharged therefrom;
 - (iv) prescribing the type of mental, moral, physical and vocational education, training and employment to be provided and setting standards of instruction;
 - (v) regulating the conduct and discipline of boys and girls in training schools;
 - (vi) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;

(vii) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof; and

(viii) generally for the better carrying out of the provisions of this Act.

27. From and after the date of the coming into force of this Act The Ontario Training School for Boys at Bowmanville and The Ontario Training School for Girls at Galt shall be Ontario training schools and St. John's Industrial School and St. Mary's Industrial School at Toronto and St. Joseph's Industrial School at Alfred shall be private training schools, and the provisions of this Act shall apply to the boys and girls therein as if they had severally been admitted thereto immediately after the coming into force of this Act.

28. *The Industrial Schools Act* and *The Training Schools Act*, being chapters 363 and 364 of the Revised Statutes of Ontario, 1937, are repealed.

What to be deemed Ontario training schools and private training schools.

Rev. Stat., c. 363, 364, repealed.

29. This Act may be cited as *The Training Schools Act*, 1939.

Short title.

CHAPTER 52.

The Unemployment Insurance Act, 1939.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

WHEREAS it is deemed advisable in the public interest Preamble.
 that provision be made for a scheme of unemployment insurance; and whereas certain constitutional difficulties have arisen with regard to the enactment of such a scheme; and whereas it is desirable that the adoption and administration of such a scheme be undertaken by the Government of Canada; and whereas it is expedient to grant to the Lieutenant-Governor in Council such powers as may be necessary to permit him to enter into any agreement or arrangement for the bringing into force within Ontario of any general scheme of unemployment insurance undertaken by the Government of Canada;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may,--

Agreement
with
Governor-
General in
Council.

- (a) enter into such an agreement or other arrangement as may be deemed advisable with the Governor-General in Council for the carrying out within Ontario of any general scheme of unemployment insurance pursuant to the provisions of any Act of the Parliament of Canada heretofore or hereafter passed;
- (b) authorize and provide for the payment of unemployment insurance benefits or any part thereof to insurable persons under the conditions specified in any such Act of the Parliament of Canada; and
- (c) make such regulations as he may deem necessary for the enforcement and carrying into effect within Ontario of any general scheme of unemployment insurance provided for by any such Act of the Parliament of Canada.

2. This Act may be cited as *The Unemployment Insurance Act*, 1939. Short title.

CHAPTER 53.

An Act to amend The Venereal Diseases Prevention Act.

Assented to April 14th, 1939.

Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 13 of *The Venereal Diseases Prevention Act* is repealed. Rev. Stat.,
c. 301, s. 13,
subs. 2,
repealed.
2. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1939.* Short title.

CHAPTER 54.

An Act to amend The Workmen's Compensation Act.

Assented to April 27th, 1939, except sections 4 and 6.

Sections 4 and 6 assented to April 14th, 1939.

Session Prorogued April 27th, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 8 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 204, s. 8,
subs. 5,
re-enacted.

- (5) No employer in Schedule 1 and no workman of an employer in Schedule 1 or dependant of such workman shall have a right of action against any employer in Schedule 1 or against any workman of any such employer in any case within the provisions of subsection 1, but in any case where it appears to the satisfaction of the Board that a workman of an employer in any class or group in Schedule 1 is injured or killed owing to the negligence of an employer or the workman of an employer in another class or group in Schedule 1, the Board may direct that the compensation and medical aid awarded in any such case shall be charged against the class or group to which such last-mentioned employer belongs.

Right of
action de-
clared to be
taken away
as against
employer in
Schedule 1.

2. Subsection 1 of section 19 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" where it occurs in the first and fifth lines respectively the words "or medical aid," so that the said subsection shall now read as follows:

Rev. Stat.,
c. 204, s. 19,
subs. 1,
amended.

- (1) Subject to subsection 5 compensation or medical aid shall not be payable unless notice of the accident is given as soon as practicable after the happening of it and before the workman has voluntarily left the employment in which he was injured and unless the claim for compensation or medical aid is made within six months from the happening of the accident or in case of death within six months from the time of death.

Notice of
accident to
be given.

Rev. Stat.,
c. 204,
s. 50,
subs. 1,
amended.

3. Subsection 1 of section 50 of *The Workmen's Compensation Act* is amended by striking out the words "for a period of one year" in the last line and inserting in lieu thereof the words "or replaced when deemed necessary by the Board," so that the said subsection shall now read as follows:

Medical and
surgical aid
during
disability.

- (1) Every workman entitled to compensation under this Part, or who would have been so entitled had he been disabled for seven days, shall be entitled to such medical, surgical and dental aid, the aid of drugless practitioners registered under *The Drugless Practitioners Act*, and hospital and skilled nursing services as may be necessary as a result of the injury, and shall be entitled to such artificial member or members and apparatus and dental appliances and apparatus as may be necessary as a result of the injury, and to have the same kept in repair or replaced when deemed necessary by the Board.

Rev. Stat.,
c. 204, s. 105,
amended.

4. Section 105 of *The Workmen's Compensation Act* is amended by adding at the end thereof the words "or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*," so that the said section shall now read as follows:

Formation
of reserves.

105. In order to maintain the accident fund as provided by section 81 the Board may from time to time and as often as may be deemed necessary include in any sum to be assessed upon the employers and may collect from them such sums as may be deemed necessary for that purpose and the sums so collected shall form a reserve fund and shall be invested in securities in which a trustee may by law invest trust moneys or in debentures issued under *The Tile Drainage Act* and purchased from the Treasurer of Ontario, provided that the Board shall not hold debentures in excess of \$50,000 issued by any one municipality under *The Tile Drainage Act*.

Rev. Stat.,
c. 72.

5.—(1) Subsection 10 of section 115 of *The Workmen's Compensation Act* is repealed.

Rev. Stat.,
c. 204,
s. 115,
subs. 10,
repealed.

Rev. Stat.,
c. 204,
s. 115,
subs. 11,
amended.

(2) Subsection 11 of the said section 115 is amended by striking out the word "three" in the fifth line and inserting in lieu thereof the word "five," so that the said subsection shall now read as follows:

Limitation
of time for
making
claim.

- (11) Any workman who has heretofore ceased or may hereafter cease to be usually and regularly employed

in an industry under this Act in which he was exposed to silica dust, shall make and establish his claim for disability therefrom within five years from the date of leaving such employment, or his claim shall be completely barred, but this provision shall not prevent allowance by the Board of any case due to uncomplicated silicosis which the Board considers should in justice be allowed.

6. Section 4 of this Act shall come into force on a day to ^{Committee-} be named by the Lieutenant-Governor by his Proclamation. ^{ment of} ^{section 4.}

7. This Act may be cited as *The Workmen's Compensation* ^{Short title.}
Amendment Act, 1939.

PART II
PRIVATE ACTS
Chapters 55 to 78

CHAPTER 55.

An Act respecting the Township of Barton.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the corporation has by its petition prayed Preamble.
for special legislation in respect to the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,—

Interpreta-
tion.

(a) "Corporation" shall mean the corporation of the "Corpora-
tion."
township of Barton.

(b) "Council" shall mean the council of the corporation "Council."
of the township of Barton.

(c) "Township" shall mean the township of Barton. "Township."

2. The Council may from time to time pass by-laws to Power to
establish
water areas,
sewer areas
and water
works
systems.
set apart and establish as a water area or as a sewer area any
portion of the Township described in any such by-law, to con-
struct, enlarge, extend, improve and operate waterworks systems
within or outside any water area or areas to serve such water
area or one or more water areas or lands situate therein and
to construct, enlarge, extend, improve and operate sewerage
systems and sewage disposal works within or outside of any
sewer area or areas to serve such sewer area or one or more
sewer areas or lands situate therein.

3. (1) The entire cost of the construction, enlargement, Provided
for cost.
extension, improvement, operation, maintenance, manage-
ment and repair of any such waterworks systems or of any
such sewerage systems or sewage disposal works save and
except such works as are undertaken pursuant to *The Local
Improvement Act* as hereinafter provided, shall be assessed Rev. Stat.,
c. 269.
and levied upon all the rateable property in the area or areas
served by such works, provided that where such works are
undertaken to serve more than one area the Council shall

by by-law determine the portion of the cost thereof to be borne by each of such areas.

Application
of revenues.

(2) The revenues arising from the operation of any such works shall form a special fund for the use of the area served by such works, provided that where such works have been undertaken to serve more than one area such revenues shall be apportioned between or among the areas served in the same proportions as such areas contributed to the cost of the construction of such works.

Term of
debentures.

4. Where the whole or any portion of the cost of any work is assessed against all the rateable property in any area or areas, the debentures issued to provide for the payment of the cost so assessed may be made payable within twenty years from the date of issue of such debentures.

Council may
construct
waterworks,
sewers,
etc.

5. The Council may undertake within any water area or areas the construction of waterworks, watermains and necessary appliances and accessories and private drain connections and within any sewer area or areas the construction of sewers and necessary appliances and accessories and private drain connections as local improvements pursuant to *The Local Improvement Act*, provided that,—

Rev. Stat.,
c. 269.

Provision
for cost of
work to
serve one
area.

(a) Where a work is constructed to serve lands situate entirely within one area, that part of the cost which would otherwise be the Corporation's portion of the cost shall, except as this section otherwise expressly provides, be assessed upon all the rateable property in the area and the remainder of the cost of such work shall be specially assessed upon the lots within such area fronting or abutting directly on or served by the work;

More than
one area.

(b) Where a work is constructed to serve lands situate within more than one area, the Council shall by by-law determine the portion of cost to be borne by each area, and such respective portions shall be assessed in such areas in the manner in this section provided;

Provision
for annual
rate per
foot fron-
tage.

(c) The Council may by by-law passed at any general or special meeting by a vote of three-fourths of all the members thereof provide that a certain annual rate per foot frontage in satisfaction of the owners' portion of the cost shall be assessed upon, levied and collected from the lots fronting or abutting directly on or served by the watermains or sewers constructed in the area designated in such by-law during the currency of the debentures issued to pay for the

cost of such watermains or sewers and that the remainder, if any, of the cost not provided for by such annual rate, shall be assessed and levied upon all the rateable property in the area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the watermains or sewers the surplus resulting therefrom shall be deposited to a special account to be used by the Council for the benefit of such area, and any such by-law shall not be repealed or amended except by a vote of three-fourths of all the members of the Council;

- (d) In any notice of the Council published, served or mailed pursuant to sections 10, 12; 41 or 46 of *The Local Improvement Act* in respect to the construction of watermains or sewers it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the Corporation or the area, but it shall be sufficient to show the estimated cost of the work and the estimated cost thereof per foot frontage; Publication of notice. Rev. Stat., c. 269.
- (e) Every completed work undertaken under this Act shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it was constructed, or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof; Maintenance of work.
- (f) The debentures issued for the sums borrowed to defray any portion of the cost of any work which is assessed against all the rateable property in any area may be made payable within twenty years from the date of issue thereof if issued separately from the debentures issued to defray the portion of the cost which is specially assessed upon the lands fronting or abutting directly on or served by such work. Term of debentures.

6. The Council may agree with any bank or person for temporary advances to meet the cost of any of the works authorized by this Act pending the completion thereof and the Council may, when the work undertaken is completed, borrow on the credit of the Corporation at large such sums as may be necessary to repay such advances and to defray the cost of such work including the items of cost referred to in subsection 2 of section 20 of *The Local Improvement Act*, and may issue debentures for the sums so borrowed. Temporary loans and interest thereon. Rev. Stat., c. 269.

Deficiency
in rates.

7. If in any year the amount realized from the rates imposed to provide for the cost of any work and the interest thereon is insufficient to pay the amount falling due in such year in respect of the debentures issued to pay for the cost of such work, the Council shall provide in the estimates for the current or the following year for the deficiency, and levy and collect the amount of such deficiency by a general rate on all the rateable property in the Township, but such levy shall not relieve the land in the area or areas upon which the first mentioned rates are imposed from payment of such first mentioned rates.

Rev. Stat.,
c. 269,
ss. 50, 51 to
apply.

8. Sections 50 and 51 of *The Local Improvement Act* shall apply *mutatis mutandis* to the works undertaken and debentures issued under this Act.

Alteration of
areas.

9. The Council may pass by-laws to enlarge or reduce any defined area by annexing thereto such portion or portions of the Township or of any area or by withdrawing therefrom such portion or portions of the area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof, or to subdivide, vary, or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in any such by-law.

Agreements
with adjoining munici-
palities.

10.--(1) The Corporation and the corporation of any adjacent municipality may enter into agreements for the construction, enlargement, extension, improvement, operation and maintenance of sewage disposal works, plants, appliances and accessories in connection therewith for the joint use of any sewer area or areas in the Township or in such other municipality, and the portion of the cost of the construction, enlargement, improvement and extension of such works and of the operation and maintenance thereof payable by the Corporation as fixed by such agreement shall be assessed and levied upon all the rateable property in such sewer area or areas, as the case may be, in the Township as provided in section 3 and the revenue payable to the Corporation under any such agreement shall be credited to the sewer area charged with the said cost, or if more than one area, then to such areas in proportion to their respective shares of the said cost.

(2) The Corporation and the corporation of any adjacent municipality may enter into agreements for the admission of sewage from the Township into the sewers and sewerage systems of such other municipality, and all cost, charges and expenses in connection therewith shall be assessed and levied on all the rateable property in the area in the Township benefited thereby, or if more than one area, then on all the rateable property in such areas in such proportion as the Council may by by-law determine.

(3) The Corporation may enter into agreements with the corporation of any adjacent municipality for the admission of sewage from such other municipality or municipalities into the sewers and sewerage systems of the Township, and in such event the revenue arising therefrom shall be credited to the sewer area of the Township into the sewers or works of which the sewage is admitted, or if more than one area then to such sewer areas in such proportions as the Council may by by-law determine.

11. The Corporation may enter into agreements with any other municipal corporation for a supply of water to serve the waterworks systems and sewers and sewerage systems constructed, maintained and operated under this Act, and all costs, charges and expenses in connection therewith may be assessed and levied on all the rateable property in the area benefited thereby or, if in more than one area, then on all the rateable property in such areas in such proportions as the Council may by by-law determine.

Agreements
for water.

12.—(1) It shall not be necessary to submit for the assent of the electors any by-law passed under this Act, but no by-law to set apart and establish a water area or a sewer area under this Act or to apportion the cost of any work between two or more areas or parts thereof or to declare the desirability of undertaking or to undertake the construction of any work hereinbefore mentioned shall be valid unless such by-law has been passed at a meeting of the Council by vote of two-thirds of all the members thereof.

Assent of
electors un-
necessary.

(2) Where the Council passes any such by-law a majority of the owners representing one-half the total rateable assessment of such area or areas to be assessed therefor being dissatisfied with the establishment of a proposed water area or sewer area or with the proposed apportionment of cost of works for two or more areas or with the proposed work or with the manner in which it has been undertaken may by petition apply to the Ontario Municipal Board for relief and such Board may thereupon investigate the complaint and make such order with respect to the proposed scheme or work as may seem proper and after notice to the clerk of the corporation of the application and pending its determination by such Board the Council shall not proceed with the proposed scheme or work, or pass any by-laws in respect thereto.

When
owners may
petition
Ontario
Municipal
Board.

(3) The sufficiency of such petition shall be determined in the manner provided by section 15 of *The Local Improvement Act*.

How suffi-
ciency of
petition to
be
determined.

Rev. Stat.,
c. 269.

(4) Such petition shall be deposited with the secretary of such Board within twenty-one days after publication of notice

Deposit of
petition.

of the Council's intention to pass a by-law for any of the purposes referred to in subsection 1.

Form of
notice.

(5) A by-law for any of the purposes referred to in subsection 1 shall not be passed until the expiry of twenty-one days after publication of the notice referred to in subsection 4, and such notice shall substantially be in the same form and to the same intent as the form of notice required to be published by section 10 of *The Local Improvement Act* with such amendments therein as may be requisite for the purposes of this section.

Installation
of sanitary
conven-
iences.

13. Where the local board of health of the Township recommends that sanitary conveniences should be installed in any building, and is of the opinion that the owner of any such building is unable to pay the expense of such sanitary conveniences forthwith the Council may install suitable sanitary conveniences at the expense of such owner and may direct that the cost, including interest at a rate not exceeding six per centum per annum on the deferred payments, be paid by such owner in equal successive annual payments extending over a period of not exceeding five years, and thereupon such annual payments shall be added by the clerk of the Corporation to the collector's roll for taxes and collected in like manner as municipal taxes.

All rates to
be deemed
local im-
provement
rates.

Rev. Stat.,
c. 266.

14. The rates imposed and levied under this Act shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act* and no rate levied under this Act shall be deemed to be included in the rate of two and a half cents on the dollar referred to in said section 315 for the purpose of determining whether the council may contract any further debts, and any debt may be contracted under this Act notwithstanding the limitations prescribed by said section 315.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Township of Barton Act, 1939*.

CHAPTER 56.

An Act to authorize the Law Society of Upper
Canada to Admit Aurélien Bélanger as a
Barrister and Solicitor.

Assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

WHEREAS Aurélien Bélanger of the town of Eastview Preamble.
in the county of Carleton, a member of the Legislative
Assembly of Ontario, has by his petition represented that he
was duly admitted by the Law Society of Upper Canada
as a student-at-law under articles with the late Senator
N. A. Belcourt, then a practising barrister and solicitor;
that he served as articled clerk of the said N. A.
Belcourt for the full period of time then required by the said
Society; that he duly attended the full course of three years
of lectures at the Osgoode Hall Law School; that he passed
all the examinations of the said School up to and including
two in the second term of the final year; that he was prevented
from writing the remaining examinations of the second term
of the final year by reason of a sudden illness; that he was
subsequently employed for several years in the office of a
practising barrister and solicitor, namely, Bernard Boutet
of Ottawa; that insuperable difficulties have prevented him
from complying with the requirements imposed upon him by
the said Society; and whereas the said Aurélien Bélanger has
prayed that an Act may be passed to authorize the said
Society to admit him to practise as a barrister and solicitor
in His Majesty's Courts in Ontario; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. It shall be lawful for the Law Society of Upper Canada Authority
to admit
Aurélien
Bélanger to
practise.
to admit and the said Society shall admit the said Aurélien
Bélanger to practise at the Bar of His Majesty's Courts in
Ontario as a barrister and solicitor, provided that the said
Aurélien Bélanger shall, before being admitted to practise
as aforesaid and without complying with any other require-
ments of the law or any other rules or regulations of the said

Society, pay such fees only as are payable by a student-at-law in ordinary cases.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 57.

An Act respecting the City of Chatham.

Assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

WHEREAS the corporation of the city of Chatham, Preamble.
hereinafter called the corporation, has by petition represented that the council of the corporation did on the 12th day of September, 1938, submit the following question to the electors of the municipality qualified to vote on money by-laws:

“Are you in favour of the city of Chatham loaning a sum not to exceed fifty thousand dollars (\$50,000.00) to a company composed of citizens of Chatham for the erection of a Sports Arena to cost (including the land) approximately eighty-five thousand dollars (\$85,000.00), the said loan to be secured by a first mortgage?”

when out of 1,760 electors voting on the question, 1,367 voted in the affirmative and 393 in the negative; that as the vote is favourable the council of the corporation on the 12th day of December, 1938, passed by-law number 2638 providing for the issue of debentures of the corporation to the amount of \$50,000 and for loaning the said amount to Kent Arena Limited for the purpose of building and equipping an arena; and whereas the corporation has prayed that the said by-law be confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, By-law No. 2638 confirmed.
by-law number 2638 passed by the council of the corporation on the 12th day of December, 1938, set out in Schedule A hereto, authorizing the issue of debentures for \$50,000 and the loaning of the said amount to Kent Arena Limited for the purpose of building and equipping an arena, is hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

2. This Act may be cited as *The City of Chatham Act, 1939.* Short title.

SCHEDULE A

BY-LAW NUMBER 2638

A By-law to authorize the issue of Debentures in the amount of Fifty Thousand Dollars (\$50,000.00); and for the loaning to Kent Arena Limited of this sum, to provide part of the cost of constructing a Sports Arena.

FINALLY PASSED the 12th day of December, 1938.

WHEREAS the Council of the Corporation of the City of Chatham deem it expedient to loan to Kent Arena, Limited, a body corporate, the sum of Fifty Thousand Dollars (\$50,000.00), to be secured by a first mortgage on the land and building of the Company, which sum is to be repaid both principal and interest in ten years.

AND WHEREAS it is necessary to borrow the sum of Fifty Thousand Dollars (\$50,000.00), on the credit of the Corporation, and to issue debentures therefore, bearing interest at the rate of three per cent. per annum, which is the amount of the debt intended to be created by this By-law.

AND WHEREAS it is expedient to make the principal of the said debt, repayable in yearly sums, during the period of ten years, of such amounts respectively, that the aggregate amount payable for principal and interest in any year, shall be equal as nearly as may be, to the amount so payable for principal and interest in each of the other years.

AND WHEREAS the City proposes to apply to the Legislative Assembly of the Province of Ontario for such legislation as may be necessary to validate this By-law, and to carry out the said proposals.

AND WHEREAS it will be necessary to raise annually, during the period of ten years, to pay the said annual installments of principal and interest, as they become due and payable, the sums hereinafter specified, by a special rate, sufficient therefor, over and above all other rates, on all rateable property in the municipality.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is \$14,322,343.00.

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessment, is \$434,372.12, and no part of the principal or interest in respect thereof is in arrears.

NOW THEREFORE The Council of the Corporation of the City of Chatham enacts as follows:

1. THAT for the purposes aforesaid, there shall be borrowed on the credit of the Corporation of the City of Chatham, the sum of Fifty Thousand Dollars (\$50,000.00); and debentures shall be issued therefor, in sums of not less than One Hundred Dollars (\$100.00), bearing interest at the rate of three per cent. per annum, and having coupons attached thereto, for the payment of interest.

2. THAT the debentures shall all bear the same date, and shall be issued within two years after the date on which this By-law is passed, and may bear any date within such two years, and shall be payable in ten annual installments, during the ten years next, after the time when the

same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:

	Interest	Principal	Total
1	\$1,500.00	\$4,361.52	\$5,861.52
2	1,369.15	4,492.37	5,861.52
3	1,234.37	4,627.15	5,861.52
4	1,095.56	4,765.96	5,861.52
5	952.59	4,908.93	5,861.52
6	805.32	5,056.20	5,861.52
7	653.63	5,207.89	5,861.52
8	497.39	5,364.13	5,861.52
9	336.47	5,525.05	5,861.52
10	170.72	5,690.80	5,861.52
	<hr/> \$8,615.20	<hr/> \$50,000.00	<hr/> \$58,615.20

3. THAT the debentures as to both principal and interest may be expressed in Canadian Currency, and shall be payable at the Canadian Bank of Commerce, in the City of Chatham.

4. THAT during the ten years, the currency of the said debentures, the sum of Five Thousand, Eight Hundred and Sixty-one Dollars and Fifty-two Cents (\$5,861.52), shall be raised annually for the payment of the said debt and interest, and shall be levied and raised annually, by a special rate sufficient therefor, over and above all other rates, on all rateable property in the municipality, at the same time, and in the same manner as other rates.

5. THAT the Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Clerk-Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation.

6. THAT the coupons attached to the said debentures may have engraved, or lithographed, or printed thereon, the signature of the Clerk-Treasurer.

7. THAT upon the issue and sale of the said debentures, the City will pay the sum of Fifty Thousand Dollars (\$50,000.00) to the Kent Arena Limited, by way of loan; the said sum to be secured by a mortgage on the land, building, and contents of the Kent Arena Limited, in form satisfactory to the City.

8. THAT this By-law shall not come into force or effect until validated by a special Act of the Legislative Assembly of the Province of Ontario.

This By-law shall come into full force and effect on the final passing thereof, and when the same has been validated in accordance with the provisions herein.

J. J. ZINK,
Mayor.

(Seal of the Corporation)

W. M. FOREMAN,
Clerk-Treasurer.

CHAPTER 58.

An Act respecting The Crescent School.

Assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

WHEREAS The Crescent School has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 and Schedule "A" of *The Township of East York Act, 1937*, are repealed. 1937, c. 88, s. 3 and Sched. "A" repealed.

2. This Act may be cited as *The Crescent School Act, 1939*. Short title.

CHAPTER 59.

An Act respecting the Township of Etobicoke.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the township of Etobicoke Preamble.
has by its petition prayed for special legislation in
respect to the matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. For the purposes of sections 12, 36, 120, 141 and 142 Rev. Stat.,
c. 272, ss. 12,
36, 120, 141
and 142,
applicable
to
Etobicoke.
of *The Assessment Act* the township of Etobicoke shall be
deemed a city and the said sections shall be applicable to
the said township accordingly, provided that telephone com-
panies shall after the 1st day of January, 1939, be assessed
under the said section 12 for forty-five per centum of their
gross receipts instead of sixty per centum thereof.

2. For the purposes of section 83, paragraph 42 of section Rev. Stat.,
c. 266,
Certain
sections
applicable to
Etobicoke.
407, paragraphs 3 and 7 of section 414, paragraph 1 of
section 420 and sections 428, 429 and 432 of *The Municipal*
Act the township of Etobicoke shall be deemed a city, and
the said sections and paragraphs, respectively, shall be
applicable to the said township accordingly.

3. Notwithstanding the provisions of Part XXII of *The* Rev. Stat.,
c. 266,
Part XXII,
Police
villages.
Municipal Act no locality in the said township may be erected
into a police village without the previous consent of the
council of the said corporation expressed by by-law.

4. (1) By-laws may be passed by the council of the said Allowances
for members
of council.
corporation for paying an annual allowance to members of
the council in lieu of a per diem rate for attendance at meetings,
and every such by-law shall provide for the deduction from
such allowance of a reasonable sum to be fixed by the council
for each day's absence from meetings.

(2) No by-law shall be finally passed under the provisions Approval of
Municipal
Board
requisite.
of subsection 1 until such by-law has first been approved by
the Ontario Municipal Board.

Licensing of
tourist and
trailer
camps.

5. By-laws may be passed by the council of the said corporation for licensing, regulating and governing tourist camps and trailer camps and for fixing the fee to be charged for the license and for revoking any such license.

"Tourist
camp."

(a) For the purposes of this section a "tourist camp" shall mean any house, building, structure or vehicle, or portion thereof, in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time or any part of which is let for any person to sleep in for any time less than a week, but shall not include a "standard hotel" within the meaning of *The Liquor Control Act*;

Rev. Stat.,
c. 294.

"Trailer
camp."

(b) For the purposes of this section a "trailer camp" shall mean any land in or upon which for hire, gain, rental, fee, license or other reward or remuneration, any vehicle, conveyance or structure, whether the same is upon wheels or self-propellable or a fixture, or not, may be stood, placed, kept or maintained and which vehicle, conveyance or structure is used by any person as a place in which to eat, sleep or reside, temporarily or otherwise.

Commence-
ment of
Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Township of Etobicoke Act, 1939*.

CHAPTER 60.

An Act respecting L'Institut Canadien Français
de la Cité d'Ottawa.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS L'Institut Canadien Français de la Cité d'Ottawa has by its petition prayed for special legislation with respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Act entitled *An Act to incorporate L'Institut Canadien Français de la Cité d'Ottawa*, being chapter 97 of the Acts passed by the Legislature of the Province of Canada in the twenty-ninth year of the reign of Her late Majesty Queen Victoria, as amended by the Act entitled *An Act to amend the Act to incorporate L'Institut Canadien Français de la Cité d'Ottawa*, being chapter 139 of the Acts passed by the said Legislature in the twenty-ninth and thirtieth years of the reign of Her late Majesty Queen Victoria and by the Act entitled *An Act to amend the Acts respecting L'Institut Canadien Français de la Cité d'Ottawa and to extend the powers of the said corporation*, being chapter 104 of the Acts passed by the Legislature of the Province of Ontario in the thirty-ninth year of the reign of Her late Majesty Queen Victoria, is further amended by adding thereto the following sections:

11a. The said corporation shall also have as objects the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, recreation rooms and such other means as may from time to time be determined upon.

11b. The said corporation shall have power to establish a system of technical education, including such branches of mechanical science and the development of such of the industrial arts as the board of directors of the said corporation may from time to time determine.

Lands
exempt from
taxation.

11c. The lands and premises owned or occupied by L'Institut Canadien Français de la Cité d'Ottawa, shall so long as the same are occupied by and used for the purposes of the corporation, be and the same are hereby declared to be and to have been exempt from taxation.

Short title.

2. This Act may be cited as *L'Institut Canadien Français de la Cité d'Ottawa Act, 1939.*

CHAPTER 61.

An Act respecting the Township of King.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the township of King has Preamble.
by its petition prayed for special legislation in respect
to the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. By-laws numbers 681, 682, 683 and 684 passed by the By-laws Nos. 681, 682, 683 and 684 confirmed.
council of the corporation of the township of King on the 27th
day of September, 1938, the 27th day of September, 1938,
the 5th day of October, 1938, and the 8th day of October,
1938, respectively, to correct annual levies in respect to debentures issued for municipal drainage of lands situate in the said township known as the Holland Marsh, are hereby confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

2. All cancellations, adjustments and reductions of rates Adjustment of rates confirmed.
or taxes with respect to the lands set out in the said
Schedule A made with the approval of the council of the said
corporation are hereby confirmed and declared to be legal,
valid and binding.

3. Where the taxes on any of the lands set out in Schedule A Where lands may be sold for taxes.
remain unpaid for three years preceding the 1st day of January
in any year such lands may be sold for taxes in accordance with
the provisions of *The Assessment Act* respecting the sale of
lands for taxes notwithstanding any failure to comply with the
provisions of the said Act, or *The Municipal Drainage Act*,
prior to the passing of this Act; provided however that in no
case shall any of the said lands be sold or offered for sale for
taxes within one year from the day upon which this Act
receives the Royal Assent.

4. This Act may be cited as *The Township of King Act*, Short title.
1939.

SCHEDULE A.

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
HOLLAND MARSH DRAINAGE AREA
(as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

Concession 1—New Survey:

Lot 4, Concession 1, New Survey—Subdivided into

Easterly 392'6" of Lot 4.....

Westerly 490'6" of Easterly 883' of Lot 4.....

All of Lot 4 except Easterly 883'.....

Lot 5, Concession 1, New Survey.....

Lot 6, Concession 1, New Survey—Subdivided into

Westerly 884' of Lot 6.....

Easterly 524'7" of Westerly 1,408'7" of Lot 6.....

Easterly 660' of Lot 6.....

Lot 7, Concession 1, New Survey—Subdivided into Plan 254

Lot 1 of Plan 254.....

Lot 2 of Plan 254.....

Lot 3 of Plan 254.....

Lot 4 of Plan 254.....

Lot 5 of Plan 254.....

Lots 6 to 12 inclusive of Plan 254.....

Lots 13 to 15 inclusive of Plan 254.....

Block A of Plan 254.....

Lot 8, Concession 1, New Survey.....

Lot 9, Concession 1, New Survey.....

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
	25.46	.76	4.23*		3.83*		17.15*		1.79*	
			3.60*		3.81*		13.45*		1.48*	
			6.54*		6.68*		25.87*		2.60*	
			17.24*		13.87*		71.45*		6.47*	
	92.33	2.77	107.16	9.64	95.23	14.28	82.78	17.38		
	47.09	1.41	54.74	4.23	8.11*		33.24*		13.40*	
			91.73	8.26	81.38	12.21	71.60	15.04		
			3.12*		3.21*		13.14*		1.13*	
	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
	19.79	.59	22.99	2.07	20.36	3.05	18.99	3.99		
	127.22	3.82	18.74*		19.82*		73.21*		22.31*	
	40.59	1.22	47.03	4.22	40.72	6.10	37.98	7.98		
	117.81	3.53	19.29*		17.35*		63.32*			
	511.41	15.34	512.23	46.10	524.76	78.71				
	373.51	11.21	374.13	33.67	382.72	57.41				

Lot 10, Concession 1, New Survey— North and West of Drainage Canal	193.04	5.79	179.68	16.17	154.29	24.15	113.75*	12.63*
Lot 11, Concession 1, New Survey— That part of West half, North of Drainage Canal.....	82.72	2.48	77.00	6.93	66.12	9.91	48.74*	5.22*
Lot 11, Concession 1, New Survey— That part of East half, North of Drainage Canal.....	53.52	1.61	65.60	5.90	9.58*		39.89*	4.31*
Lot 12, Concession 1, New Survey— Westerly 19 chains 20 links of North half of Lot 12, North of Drainage Canal.....	35.48	1.06	41.89	3.77	37.21	5.58	20.42*	2.11*
Lot 12, Concession 1, New Survey— All that part of Lot 12 North of Drainage Canal except Westerly 19 chains 20 links.....	22.07 11.38	.66 .34	3.70* 13.29	1.20	3.82* 1.67*		15.73* 6.71*	1.58* .98*
Lot 13, Concession 1, New Survey.....	243.85	7.31	243.97	21.96	248.71	37.30		
Concession 2—New Survey—								
Lot 7, Concession 2, New Survey.....	378.71	11.36	378.94	34.10	387.53	58.13		
Lot 8, Concession 2, New Survey.....	306.74	9.20	306.88	27.62	313.50	47.02		
Lot 9, Concession 2, New Survey.....	422.56	12.68	422.83	38.05	432.62	64.89		
Lot 10, Concession 2, New Survey.....	525.04	15.75	525.33	47.28	535.81	80.37		
Lot 11, Concession 2, New Survey.....	178.53	5.36	210.91	18.98	22.64*		112.58*	11.35*
Lot 12, Concession 2, New Survey— North half of Lot 12.....	178.52	5.36	210.91	18.98	30.43*		124.54*	12.18*
Lot 12, Concession 2, New Survey— South half of Lot 12.....	559.68	16.79	560.01	50.40	571.04	85.66		
Lot 13, Concession 2, New Survey.....								
Lot 14, Concession 2, New Survey— Part of Lot 14, being 14 chains 40 links on Easterly limit commencing at North-west angle.....	98.12	2.94	98.16	8.83	99.86	14.98		
Part of Lot 14, commencing 14 chains 40 links on Easterly limit Southerly from North-west angle; thence Southerly 10 chains 30 links by width of lot deep.....	48.16	1.44	52.95	4.77	7.31*		31.46*	2.98*
Southerly 25 acres of North half of Lot 14.....	48.16	1.44	51.86	4.67	6.95*		27.17*	2.81*
North half of South half of Lot 14.....	85.02	2.55	13.44*		13.91*		57.10*	5.57*
South half of South half of Lot 14.....			3.36*		3.30*		12.90*	1.33*
Concession 3—New Survey—								
Lot 11, Concession 3, New Survey.....	10.31	.31	10.30	.93	10.63	1.59		
Lot 12, Concession 3, New Survey.....	56.38	1.69	56.39	5.08	57.50	8.62		

SCHEDULE A.—Continued

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

	1938			1937			1936			1935			1934 and prior		
	Taxes	Penalty	\$	Taxes	Penalty	\$	Taxes	Penalty	\$	Taxes	Penalty	\$	Taxes	Penalty	\$
Lot 13, Concession 3, New Survey.....	195.58	5.87		195.71	17.61		198.95	29.84							
Lot 14, Concession 3, New Survey.....	326.66	9.80		326.85	29.42		333.86	50.08							
Concession 3—Old Survey—															
Lot 5, Concession 3, Old Survey, west of Canal.....	5.97	.18		6.80	.61		.77*			3.03*			.31*		
Lot 6, Concession 3, Old Survey, west of Canal.....	83.40	2.50		12.47*			12.23*			47.82*			4.95*		
Lot 7, Concession 3, Old Survey—															
West half of Lot 7, North and West of Canal.....	267.44	8.02		267.57	24.08		273.04	40.96							
That part of East half of Lot 7, West of Canal.....				3.64*			3.63*			14.15*			1.48*		
Lot 8, Concession 3, Old Survey.....	451.96	13.56		452.17	40.69		463.10	23.16							
Lot 9, Concession 3, Old Survey—															
That part of Easterly 25 acres West of Canal.....				5.11*			5.25*			22.32*			2.03*		
Lots 9 and 10, Concession 3, Old Survey except Easterly 25 acres of Lot 9; now sub-divided into Plans 245 and 251—															
Lot 1 of Plan 245.....	23.27	.70		25.86	2.33		3.12*			12.43*					
Lot 2 of Plan 245.....	23.27	.70		25.86	2.33		3.12*			12.43*					
Lot 3 of Plan 245.....	23.28	.70		2.78*			2.90*			12.10*					
Lot 4 of Plan 245.....	23.28	.70		25.86	2.33		2.73*			10.86*					
Lot 5 of Plan 245.....				2.80*			2.73*			10.86*					
Lot 6 of Plan 245.....	23.28	.70		20.38	1.50		2.73*			10.82*					
Lot 7 of Plan 245.....	11.67	.35		2.80*			2.73*			10.82*					
Lot 8 of Plan 245.....				2.78*			2.73*			10.82*					
Lot 9 of Plan 245.....				2.78*			2.73*			10.82*					

Lot 10 of Plan 251.	24 06	72	27 91	2 51	23 15	3 47	11 86*
Lot 11 of Plan 251.	22 40	67	25 86	2 33	21 38	3 21	10 82*
Lot 12 of Plan 251.	22 40	67	25 86	2 33	21 38	3 21	10 82*
Lot 13 of Plan 251.	19 90	60	22 88	2 06	18 84	2 83	9 15*
Lot 14 of Plan 251.	11 77	35	13 64	1 23	11 32	1 70	5 68*
Lot 15 of Plan 251.	22 39	67	25 86	2 33	21 38	3 21	10 82*
Lot 16 of Plan 251.	22 39	67	25 86	2 33	21 38	3 21	10 82*
Lot 17 of Plan 251.	22 39	67	25 86	2 33	21 38	3 21	10 82*
Lot 18 of Plan 251.	22 40	67	25 86	2 33	21 38	3 21	10 82*
Lot 19 of Plan 251.	22 40	67	25 86	2 33	21 38	3 21	10 82*
Lot 20 of Plan 251.	22 40	67	25 86	2 33	21 38	3 21	10 82*
Lot 21 of Plan 251.	22 40	67	25 86	2 33	21 38	3 21	10 82*
Lot 22 of Plan 251.	22 40	67	25 86	2 33	21 38	3 21	10 82*
Lot 23 of Plan 251.	231 41	6 94	271 37	24 42	230 56	34 58	123 48*
Lot 24-34 inclusive of Plan 251.			3 81*		4 48*		14 65*
Lot 11, Con. 3, Old Survey—Sub-divided into Plan 250—							
Lot 1 of Plan 250	25 57	77	1 61*		1 60*		6 61*
Lot 2 and North half of Lot H of Plan 250.			1 58*		1 67*		6 58*
Lot 3 and North half of Lot F of Plan 250.			1 50*		1 45*		6 44*
Lot 4 and North half of Lot E of Plan 250.			1 64*		27 77	4 17	6 58*
Lot 5 and South half of Lot F of Plan 250.							4 23*
Lot 6 and North half of Lot C of Plan 250.	25 57	77	25 67	1 23	1 63*		6 58*
Lot 7 and North half of Lot G of Plan 250.	25 57	77	1 50*		1 63*		6 58*
Lot 8 and South half of Lot D of Plan 250.	25 57	77	28 71	15	1 87*		6 58*
Lot 9 and South half of Lot L and Southerly 50 feet of Lot M of Plan 250.			1 50*		1 63*		6 58*
Lot 10 and North half of Lot D of Plan 250.	25 57	77	5 93	03	1 64*		6 58*
Lot 11 and Lot B of Plan 250.	25 57	77	29 43	2 65	1 48*		6 58*
Lot 12 and South half of Lot C of Plan 250.	25 57	77	27 93	2 58	1 63*		4 68*
Lot 13 of Plan 250.			1 50*		1 50*		6 58*
Lot 14 and South half of Lot G of Plan 250.	25 57	77	27 43	2 47	1 45*		6 58*
Lot 15 of Plan 250.	11 92	36	1 50*		1 51*		1 51*
Lot 16 and South half of Lot H of Plan 250.			1 50*		1 50*		1 50*
Lot 17 and South half of Lot K of Plan 250.			27 43	2 47	.82	.05	

38 69*

14 53*

45
3 60

SCHEDULE A.—Continued

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
 SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
 HOLLAND MARSH DRAINAGE AREA
 (as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

	1938		1937		1936		1935		1934 and prior	
	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty	Taxes	Penalty
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Lot 18 of Plan 250.....			1.50*		1.62*					
Lot 19 of Plan 250 and North half of Lot K of Plan 250.....	25.57	.77	1.50*		1.64*					
Lot 20 of Plan 250.....	25.57	.77	27.43	2.47	1.35*		69.39*			
Lot 21 and North half of Lot L of Plan 250.....	25.57	.77	1.35*		1.73*					
Lot 22 and Lot A of Plan 250.....	11.92	.36	13.79	1.24	1.50*					
Lots 23 and 24 and Northerly 108 feet of Lot M of Plan 250.....	37.52	1.13	41.16	3.70	37.07	5.56				
Lots 25 and 26 of Plan 250.....	20.20	.61	23.35	2.10	19.49	2.92				
Lot 12, Con. 3, Old Survey—Sub-divided into Plan 257—										
Lot 1 of Plan 257.....										
Lot 11 of Plan 257.....	1.46	.04	1.46	.13	1.46	.22				
Lots 12 and 13, Concession 3, Old Survey, except Lots 1 and 11 of Plan 257, sub-divided into Plan 262—	36.44	1.10	41.51	3.74	2.79*		11.01*			
Lots 1 and 2 of Plan 262.....			2.91*							
Lots 3 and 4 and 64 to 66 inclusive of Plan 262.....	24.23	.73	2.72*		156.95	23.55			24.38*	
Lots 5 to 16 inclusive and 42 to 63 inclusive of Plan 262.....	.83	.02	173.92	15.65			222.00*			
Lots 17, 18, 80 and 81 of Plan 262.....			2.72*		2.87*					
Lots 19-37 inclusive and 67 to 79 inclusive of Plan 262.....	49.34	1.47	254.20	22.88	198.23	29.73				
Lots 14 and 15, Concession 3, Old Survey—Sub-divided into Plan 244—										
North half of Lots 1 and 2 of Plan 244.....			2.81*		2.76*				10.90*	
South half of Lots 1 and 2 of Plan 244.....	25.86	.78	2.82*		2.63*				11.78*	
Lot 3 of Plan 244.....			2.81*		2.76*				10.98*	
East half of Lot 4 of Plan 244.....			1.42*		1.39*				6.58*	

SCHEDULE A.—*Continued*

CORPORATION OF THE TOWNSHIP OF KING, ONTARIO
SCHEDULE OF AMENDED TAX ARREARS ON LANDS IN
HOLLAND MARSH DRAINAGE AREA
(as at December 31st, 1938)

Lands in the Township of King known as the Holland Marsh and lying between the Holland Marsh Drainage Canal and the boundary between the Township of King and the Township of West Gwillimbury.

	1938	1937	1936	1935	1934 and prior
	Taxes	Taxes	Taxes	Taxes	Taxes
	\$	\$	\$	\$	\$
Lot 13, Concession 2, Old Survey.....		19.55*	19.18*	77.52*	7.76*
Lot 14, Concession 2, Old Survey— Lots 2, 3 and 4 of Plan attached to Deed registered No. 20440.....	29.93	90	3.35*	25.50	5.36
Part of Lot 14, Concession 2, Old Survey commencing on Westerly limit 455'7" North from South-west angle, thence North 113'5" by depth to Canal.....		8.95	2.77*	5.62*	6.64*
Lot 14, Concession 2, Old Survey, except the two parcels described above.....		70.48	6.34	61.51	9.23
Lot 15, Concession 2, Old Survey— Northerly 243'10" West of Canal.....		2.64*	3.13*	10.42*	
122'3" on Westerly limit commencing 506'6" South from North-west angle, thence Southerly and West of Canal.....		3.48	.10	2.82*	12.98*
119'5" on Westerly limit commencing 743'5" South from North-west angle, thence Southerly and West of Canal.....		1.52*	1.45*	5.70*	6.23*
All of Lot 15, Concession 2, Old Survey, except above described three parcels.....	30.56	.92	64.78	5.83	56.62
Lot 16, Concession 2, Old Survey— North half of West half of Lot 16, West of Canal....	44.67	1.34	51.21	4.61	6.63*
All of Lot 16 except North half of West half.....			48.72	4.38	5.94*
Concession 2, Old Survey:					
Lot 17, Concession 2, Old Survey.....	41.78	1.28	58.17	5.24	11.94*
Lot 18, Concession 2, Old Survey.....	35.80	1.07	34.70	3.10	7.12*
Lot 19, Concession 2, Old Survey.....	5.56	.17	4.89	.44	.98*
					3.8*
					45.39*
					27.08*
					20.33
					8.03
					.30

* Asterisk where shown after amounts indicates Credit Balance

CHAPTER 62.

An Act respecting the Town of Leaside.

Assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

WHEREAS the corporation of the town of Leaside has Preamble.
by its petition prayed for special legislation in respect
to the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the corporation of the town of Leaside Constitution
of council.
for the year 1940 and thereafter shall be composed of a mayor,
a reeve, a deputy reeve and four councillors.

2. The council of the corporation of the town of Leaside Payment of
members
may pass by-laws authorizing the payment of an annual
allowance not exceeding \$450 to the reeve, not exceeding \$400
to the deputy reeve and not exceeding \$300 to each councillor,
and every such by-law shall remain in force unless or until
repealed or amended.

3. This Act may be cited as *The Town of Leaside Act, 1939.* Short title.

CHAPTER 63.

An Act respecting the Village of Lion's Head.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the village of Lion's Head ^{Preamble.}
 has by its petition prayed for special legislation to
 enable it to obtain electric power from The Hydro-Electric
 Power Commission of Ontario under Part IV of *The Power* ^{Rev. Stat.,}
Commission Act providing for the distribution of power in ^{c. 62.}
 rural power districts; and whereas it is expedient to grant
 the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. For the purposes of *The Power Commission Act* the ^{Lion's Head}
 municipality of the village of Lion's Head shall be deemed a ^{village}
 township and Part IV of *The Power Commission Act* shall ^{deemed}
 apply accordingly. ^{township for}
^{rural power.}

^{Rev. Stat.,}
^{c. 62.}

2. This Act may be cited as *The Village of Lion's Head* ^{Short title.}
Act, 1939.

CHAPTER 64.

An Act respecting the City of London.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the city of London has Preamble.
by its petition prayed for special legislation in respect
to the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Notwithstanding the provisions of any special or other Constitution of council.
Act, the council of the said corporation may by by-law
passed not later in the year than the first day of November,
provide that the council of the said corporation shall be com-
posed of a mayor and eight aldermen (two aldermen to be
elected for each ward) who shall hold office for one year and
until their successors are elected and a new council organized,
and such by-law shall take effect at and for the purposes of
the election next after the passing of such by-law and every
succeeding election.

2. In the event of the council of the said corporation Powers of Housing Commission may devolve upon council.
abolishing the Housing Commission of the City of London
all the powers conferred upon the said Commission by *The*
City of London Act, 1928, and *The City of London Act, 1931*,
shall upon the said Commission being abolished devolve upon
and be exercisable by the council of the said corporation. 1928, c. 69.
1931, c. 107.

3. The council of the said corporation may by by-law stop Power to close part of Bond Street.
up and close that portion of Bond Street otherwise known as
Princess Avenue between Wellington Street and Clarence
Street in the said city and may vest the same in the said
corporation, its successors and assigns, to be used as a part
of Victoria Park, and it shall not be necessary for the said
corporation to observe in respect thereof the provisions of
The Municipal Act relating to the stopping up of highways. Rev. Stat.
c. 266.

4. The council of the said corporation is hereby authorized Power to lease part of Market Square
to lease from time to time a portion of the Market Square
of the said city for any term not exceeding ten years, and

upon such other terms and conditions as to the council of the said corporation may seem meet, and to permit the erection thereon of a building of steel construction, to be first approved by the council of the said corporation.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act, 1939*.

CHAPTER 65.

An Act respecting the Township of Nepean.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the township of Nepean Preamble.
has by petition represented that the council of the said corporation did on the 5th day of December, 1938, submit to the electors of the said township, qualified to vote on money by-laws, a by-law to create a fire area and to authorize the issue of debentures therefor; and whereas the said electors assented to the passing of the said by-law; and whereas the said corporation has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the said corporation may, with the approval of the Ontario Municipal Board, pass by-law number 1304, set out as Schedule A hereto, and when so approved and passed such by-law shall be legal, valid and binding upon the corporation and the ratepayers thereof. Power to pass by-law No. 1304.

2. (1) Notwithstanding the provisions of subsection 3 of section 425 of *The Municipal Act*, the said council is hereby authorized and empowered to levy special annual rates on all rateable property in the said township according to the last revised assessment roll for such amount as may be required annually to meet the cost of insuring and paying firemen and other persons employed in connection with the fire protection service for the said township and the cost of the maintenance and repair of a fire hall and the cost of replacement, maintenance and repair of fire engines, apparatus and appliances. Authority to levy special rates. Rev. Stat., c. 266.

(2) Such special rates may be levied in such proportion in the police villages of Ottawa West and Westboro and the remaining portion of the said township as may be determined by by-law of the said corporation, passed with the approval of the trustees of the said police villages, expressed by resolution, or in default of such approval, with the approval of the Ontario Municipal Board. Authority to vary rates.

Status
of rates.

(3) Such special rates shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act*.

Rev. Stat.,
c. 266.

Appoint-
ment of fire
trustees.

3.—(1) The said council may by by-law appoint a board of trustees, composed of three residents of the said township, one of whom shall reside in the said village of Ottawa West and one of whom shall reside in the said village of Westboro.

Tenure o
office.

(2) Such trustees shall hold office during the pleasure of the said council.

Duties of
trustees.

(3) Such board of trustees shall have control and supervision of every person employed by the said council in connection with the fire prevention service for the said township, and of the fire hall, fire engines, apparatus and appliances of the said corporation and such other duties as may be prescribed by resolution or by-law of the said council.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of Nepean Act, 1939*.

SCHEDULE A

BY-LAW NUMBER 1304

A By-law of the Corporation of the Township of Nepean for defining an area of the said Township for fire protection and for authorizing the borrowing of Ten Thousand Dollars (\$10,000.00) upon debentures to provide for acquiring land and erecting thereon a fire hall for providing fire protection for such defined area.

WHEREAS it is necessary to designate the whole of the Township of Nepean as a defined area for fire protection and to acquire land and erect thereon a fire hall to provide fire protection for such defined area pursuant to the provisions of Section 425 of The Municipal Act, R.S.O. 1937, Chapter 266.

AND WHEREAS this By-law requires the assent of the Electors of the said Township of Nepean qualified to vote on money By-laws at a vote to be taken at the same time and at the same places as are appointed for the holding of the annual election for the Council of the Corporation of the Township of Nepean for the year 1939 and it is further proposed to have this By-law approved and confirmed by special legislation at the next ensuing Session of the Legislature of the Province of Ontario.

AND WHEREAS it is expedient and necessary to borrow upon debentures of the said Corporation for the purpose aforesaid the sum of Ten Thousand Dollars (\$10,000.00).

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of ten (10) years from the date of the issue of the said debentures of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

AND WHEREAS it will be necessary to raise annually One Thousand Two Hundred and Ninety-five dollars and Four cents (\$1,295.04) during the said period of ten (10) years for the payment of the said yearly sums of principal and interest as they shall become due, which amount shall be assessed and levied annually upon all the rateable property in the said defined area in the manner hereinafter provided.

AND WHEREAS the amount of the whole rateable property of the Municipality, according to the last revised assessment roll, is Five Million Seven Hundred and Twenty-nine Thousand Three Hundred and Forty-nine dollars (\$5,729,349.00).

AND WHEREAS there is no existing debenture debt of the Corporation other than local improvement debts and local public school debts secured by local rates and assessments which amount to Eight Hundred and Thirty-three Thousand Seven Hundred and Thirty-seven dollars and Fifty-three cents (\$833,737.53) and no part of the principal or interest thereon is in arrears.

THEREFORE the Municipal Council of the Corporation of the Township of Nepean enacts as follows:

1. The whole of the Township of Nepean is hereby designated and constituted a defined area pursuant to the provisions of Section 425 of The Municipal Act as aforesaid and the Municipal Council of the Corporation of the Township of Nepean is hereby authorized and empowered to acquire land and erect thereon a fire hall for the purpose of providing fire protection for the aforesaid defined area.

2. For the purposes aforesaid, there shall be borrowed upon the credit of the Corporation at large the sum of Ten Thousand Dollars

(\$10,000.00) and debentures shall be issued therefor in sums of not less than Fifty Dollars (\$50.00) each bearing interest at the rate of five per cent. (5%) per annum and having coupons attached thereto for the payment of interest.

3. The debentures shall all bear the same date and shall be issued within two (2) years after the day on which this By-law is passed and may bear any date within such two (2) years and shall be payable in ten (10) annual instalments during the ten (10) years next after the time when the same are issued and the respective amounts of principal and interest payable in each of such years shall be as follows:

	Principal	Interest	Total
1.....	\$ 795.04	\$ 500.00	\$1,295.04
2.....	834.80	460.24	1,295.04
3.....	876.54	418.50	1,295.04
4.....	920.37	374.67	1,295.04
5.....	966.38	328.66	1,295.04
6.....	1,014.70	280.34	1,295.04
7.....	1,065.44	229.60	1,295.04
8.....	1,118.71	176.33	1,295.04
9.....	1,174.64	120.40	1,295.04
10.....	1,233.38	61.66	1,295.04
	<hr/>	<hr/>	<hr/>
	\$10,000.00	\$2,950.40	\$12,950.40

4. The debentures as to both principal and interest shall be payable in legal currency of the Dominion of Canada and may be payable at any place or places in Canada as may be designated thereon.

5. Each of the said debentures shall be signed by the Reeve of the said Corporation or by some other person authorized by By-law to sign the same and by the Treasurer of the said Corporation, and the Clerk of the said Corporation shall seal the said debentures with the Corporate Seal of the said Corporation; and the said debentures shall have attached to them coupons for the payment of the aforesaid interest, which coupons shall be signed by the said Treasurer, whose signature to the said coupons may be written, stamped, lithographed or engraved.

6. For the purpose of paying the principal and interest of the said debentures as they respectively fall due, there shall be, during the currency of the said debentures, levied and raised annually for ten (10) years by a special rate on the dollar according to the last revised assessment roll from year to year upon and from all the rateable property in the said Township of Nepean over and above all other rates the following percentages of the said annual sum of One Thousand Two Hundred and Ninety-five dollars and Four cents (\$1,295.04) as set forth in Section "3" of this By-law, namely:—

In that part of the said Township of Nepean known as the "Police Village of Ottawa West" eight per cent. (8%) of the said annual sum of \$1,295.04;

In that part of the said Township of Nepean known as the "Incorporated Police Village of Westboro" forty-two per cent. (42%) of the said annual sum of \$1,295.04;

In the remaining portion of the said Township of Nepean fifty per cent. (50%) of the said annual sum of \$1,295.04.

7. The debentures may contain any clause providing for registration thereof authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof.

8. Pending the sale of the debentures, or in lieu of selling the same the Council may by resolution authorize the Reeve of the said Corporation and the Treasurer thereof to raise money by way of loan on the security of such debentures or upon the security of some part of them and to

hypothecate any or all of the said debentures as security for the repayment of the said loan.

THIS BY-LAW shall take effect upon the date of the final passing thereof subject to approval and confirmation by special legislation.

GIVEN AND PASSED under the Corporate Seal of the Municipal Corporation of the Township of Nepean this day of ,
1939.

.....
Township Clerk.

.....
Reeve.

CHAPTER 66.

An Act to incorporate the City of Ottawa
Superannuation Fund.*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

WHEREAS J. E. Stanley Lewis, Electrical Contractor; Preamble.
E. A. Borque, Merchant; Aristide Belanger, Civil
Servant; W. Elwood MacDonald, Water Works Engineer, and
G. Percy Gordon, Commissioner of Finance, have by their
petition represented that the City of Ottawa Superannuation
Fund was established under the assumed authority of para-
graph 10 of section 406 of *The Municipal Act*, being chapter R.S.O. 1927
233 of the Revised Statutes of Ontario, 1927, on the 8th day O. 233.
of September, 1931, by by-law number 7200 passed by the
council of the corporation of the city of Ottawa, set out as
Schedule A hereto; and whereas the said by-law provided
that the said fund should be administered by a board to be
appointed as provided in section 4 of the said by-law; and
whereas the said petitioners are the present members of such
board; and whereas doubts have arisen as to the authority
of the said fund to effect contracts of insurance with its mem-
bers and to grant superannuation allowances and other
benefits as provided in the said by-law; and whereas it is
desirable in order to remove such doubts that the said fund
be incorporated under the name of "The City of Ottawa
Superannuation Fund" and that the said fund be authorized
to undertake any contract of insurance for which fraternal
societies may be licensed under the provisions of Part X of
The Insurance Act so far as the same are applicable to fraternal Rev. Stat.,
societies, the membership of which is limited by its constitu- O. 256.
tion or by-laws to municipal employees, and to make such
readjustments in the rates and benefits as may be necessary
from time to time to enable it to meet its contracts as they
mature and that all contracts of insurance heretofore taken
or effected by the fund and all mortuary and other benefits
heretofore granted by the said fund be confirmed and declared
to be legal, valid and binding; and whereas the said petitioners
have prayed that an Act may be passed for such purposes;
and whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

City of
Ottawa
Super-
annua-
tion
Fund incor-
porated.

Rev. Stat.,
c. 256.

1. The City of Ottawa Superannuation Fund, established under the provisions of the said by-law set out as Schedule A hereto, is hereby incorporated as a fraternal society within the meaning of *The Insurance Act* under the name of "The City of Ottawa Superannuation Fund."

By-law
No. 7200
Ottawa
confirmed.

2. Subject to the provisions of this Act, the said by-law set out in schedule A hereto is hereby confirmed and declared to be legal, valid and binding.

Constitution
of fund.

3. The said Fund shall be deemed to have been duly constituted as of the date of and as provided in the said by-law and shall have and be deemed to have had since the passing of the said by-law authority to undertake any contract of insurance for which a fraternal society may be licensed under the provisions of *The Insurance Act* and is hereby declared to be entitled to be licensed as a fraternal society under the said Act and all contracts of insurance heretofore undertaken or effected and all mortuary or other benefits heretofore granted by the said Fund are hereby confirmed.

Rev. Stat.,
c. 256.

Further
powers of
Board.

4. The Board constituted as provided under section 4 of the said by-law may make such amendments to the constitution and pass such by-laws and make such rules and regulations as may be expedient for the proper administration of the said Fund, and with the approval of the Superintendent of Insurance may make such readjustments of the rates and benefits as are necessary in the opinion of the actuary of the Fund to provide for the payment of the contracts of the said Fund at maturity, and such amendments shall be binding upon the members of the said Fund and upon their legal representatives and upon all persons deriving legal rights from any member or beneficiary, notwithstanding anything contained in the constitution, rules and regulations of the said Fund before such amendments, or in any contract, policy or certificate of insurance heretofore or hereafter issued by the said Fund.

Application
of provisions
of Rev. Stat.,
cc. 256, 251.

5. Except where inconsistent with the provisions of this Act, the provisions of *The Insurance Act* and *The Companies Act* applicable to a fraternal society, the membership of which is limited by its constitution and by-laws to municipal employees, shall apply to the said Fund.

Short title.

6. This Act may be cited as *The City of Ottawa Superannuation Fund Act, 1939.*

SCHEDULE A

BY-LAW NUMBER 7200.

Respecting Superannuation of the Civic Service of Ottawa, Canada.

Short Title. This By-law may be cited as The Corporation of Ottawa Superannuation By-law Number 7200.

1. INTERPRETATION:

In this By-law

- (a) "Retirement age" shall mean,
 - 1. In the case of male employes, the age of 65 completed years and
 - 2. In the case of female employes, 60 completed years.
- (b) "Salary" shall mean the remuneration which the employe is entitled to receive from the Corporation for his services and shall include the value of any perquisite in respect of regular salary payments, but shall not include overtime payments or any other extra allowances or gratuities.
- (c) "Dependent" shall mean and include the wife of a deceased contributor, and also his father, mother, brother, sister and child, if they are either wholly or in part dependent upon his earnings for support at the time of his death.
- (d) "Child" shall mean a person who is in such relationship to a contributor and is not over 18 years of age. This designation shall include a step-child and legally adopted child.
- (e) "Board" shall unless otherwise specified, mean the Board appointed to administer this By-law.

2. WHO SHALL COME UNDER THIS BY-LAW.

- (1) This By-law shall apply to all employes of the Corporation, with the exception of those who come under the superannuation schemes of the Police and Fire Departments.
 - (a) who are appointed by by-law, or (b) who are employed continuously throughout the year at a salary or wage of not less than \$600 per annum; and (c) who may elect, as hereinafter provided, to come within its provisions, and (d) who at the date upon which claim is made upon the fund by such employe or his dependents shall be in good standing and have fully paid up all contributions due by him.
- (2) On the coming into force of this by-law, it shall apply to all permanent employes who elect to come under it, and to every permanent employe on appointment, subsequent to its becoming effective.

Employes eligible to come under this by-law at the time of its coming into force must elect to do so within 6 months of its being passed, and deductions of contributions will commence from the first salary payment subsequent to the date of the by-law becoming effective.

3. CONTRIBUTIONS.

- (1) There shall be deducted from the salary of every person who becomes a contributor under this by-law, an amount equal to

five per cent of his or her earnings, but no deductions shall be made from a contributor after a period of 35 completed years, during which time he or she has paid into the fund.

- (2) The Corporation of the City will contribute annually, in equal monthly payments, during each year, such amounts as are necessary to take care of the accrued liability at the time of this by-law coming into force, and such further amounts as are necessary, along with the contributions made by the employees, to place and keep the fund on a sound actuarial basis. The amount of such contributions shall be determined in the first instance by the certificate in writing of the Commissioner of Finance.
- (3) All contributions, whether from the Corporation, or from the employees contributing under this by-law, shall be credited to the fund in connection herewith, which shall be designated "The Ottawa Civic Employees Superannuation Fund" and all payments competent in connection with this by-law shall be charged against this fund.
- (4) The Commissioner of Finance shall be the Treasurer of the fund.

4. BOARD TO ADMINISTER BY-LAW.

- (1) For the purpose of administering this by-law a Board shall be appointed to consist of:
 - (a) The Mayor.
 - (b) One member of the Board of Control appointed by it.
 - (c) One Alderman appointed by the City Council.
 - (d) One representative of the contributing employees appointed by them.
 - (e) The Commissioner of Finance.

At any meeting of the Board, three members shall constitute a quorum.

- (2) Such Board shall be appointed annually on or before the 31st day of January each year and shall hold office from the 1st day of February of such year to the 31st day of January of the ensuing year, and until its successors are appointed.
- (3) At the first meeting of the Board in each year, it shall appoint:
 - (a) One of its members who shall act as Chairman during the ensuing year.
 - (b) A Secretary who may, or may not be, a member of the Board.

5. AUDITORS.

The City Auditors shall audit the books and records which shall be kept in connection with this by-law.

6. REPORT TO COUNCIL.

There shall be submitted annually, by the Board, through the Board of Control, to Council, at its second meeting in January each year, a report with reference to the activities during the preceding year under this by-law.

Incorporated in this report will be the following statements, audited by the City Auditors:

- (a) Statement of Income and Disbursements.

(b) Detailed statement of all superannuation and other allowances paid during the year, showing (1) with reference to each person retired, the name, age at retirement, rank, cause of superannuation, length of service, date of commencement of superannuation and total amount paid during the year.

(2) With reference to widows, children and other dependents of contributors under the by-law, in each case, the name, age, sex and other relationship to contributor, date of commencement of allowance, rate of allowance, and total amount paid during the year, along with the name, age at death, and length of service of the contributor to whose such dependent or dependents such allowance or allowances had been made.

(c) Detailed statement of the Investment Fund.

(d) Balance sheet as at 31st December.

7. BANKING ARRANGEMENTS.

The banking account in connection with the fund shall be placed with the bank with which the City does its chief business, but it shall be kept entirely separate from the City's other accounts.

8. INVESTMENT OF FUNDS.

Such amounts at the credit of the fund as are not required for current needs, shall be retained in the bank on deposit, or shall be invested from time to time, in approved securities, by the Board. Such securities invested in shall be limited to bonds issued by the Federal Government of Canada, the Governments of any one of the Provinces of the Dominion of Canada, or bonds guaranteed by any of these Governments, or the highest grade of bonds of the Municipalities of the Dominion of Canada.

9. ACTUARIAL EXAMINATION OF THE FUND.

At the end of five years after this by-law comes into force, and the scheme has been in operation, the fund shall be reported on actuarially by a competent firm of actuaries, and every five years thereafter.

10. CHARGES AGAINST THE FUND.

The only charges against the fund shall be such superannuation benefits and other allowances which may accrue from time to time under this by-law. All other charges competent to and in connection with the operation of the by-law shall be borne by the Corporation of the City.

11. OLD AGE SUPERANNUATION.

(1) A superannuation allowance, determined as herein provided, shall be granted to every employe who attains the retirement age.

(2) Any contributing employe who is in the Civic Service on the date this by-law becomes effective and whose age is more than 35 years, may continue in the service for a period not longer than 5 years beyond the normal retirement age, but such continuance in the service shall be subject to the consent and approval of the Council on the recommendation of the Board of Control from year to year.

(3) Any contributing employe who on attaining the retirement age, is engaged in work of a special nature may, with the consent and approval of the Council on the recommendation of the Board of Control, be continued in the service for a period not exceeding one year, or, until the earlier completion of the work.

12. DISABILITY SUPERANNUATION.

(1) Any contributing employe who is deemed to have become totally and permanently disabled shall, during the continuation of such

state of total and permanent disability, be entitled to a superannuation allowance determined in accordance with section 13 hereof, but, in no case, less than \$10.00 per month in the event of disability occurring in the first year of service, and not less than \$13.00 per month in the event of disability occurring in the second year of service, and not less than \$16.00 per month in the event of disability occurring in the third year of service, and so on, the minimum limitation increasing by \$3.00 per month for each additional completed year of service, up to \$40.00 per month, so that the benefit payable in the event of disability occurring in the eleventh or any subsequent year shall not be less than \$40.00 per month; provided, however, that the benefit paid during any such period of total and permanent disability shall not in any case exceed the benefit to which the employee would be entitled were he to continue in the service until the retirement age at the salary in effect at the date of his retirement on account of disability.

- (2) If any employee who has been superannuated under the provisions of this section shall, before attaining the retirement age, so far recover as to be able to engage in any gainful occupation, then all payment of superannuation allowance shall cease; provided that, if he at any time return to the service of the Corporation and become subject to the provisions of this by-law, then, on subsequently becoming superannuated, his superannuation shall be determined without regard for any benefits paid to him during any prior period of total and permanent disability. In establishing the length of service in such case for the purpose of computing superannuation allowance, only such period shall be included during which the employee was actually employed by the Corporation and a contributor to the fund; except, however, in the case of a contributor who served with His Majesty's Forces or any of the Allied Forces during the Great War and who, at the time of enlisting was an employee of the Corporation of the City, and who, on being discharged from His Majesty's Service or the Service of any of the Allied Forces, immediately resumed his duties with the Corporation. In such case the period of service with His Majesty's Forces or any of the Allied Forces shall be included in establishing superannuation allowance.
- (3) No employee shall be deemed to have become totally and permanently disabled until after examination by a physician appointed by the Board and a certificate establishing the fact has been received from such physician, and, during the period of his remaining totally and permanently disabled, he must submit, every six months, a certificate from the Board's physician substantiating the fact.
- (4) In any case where a contributor is entitled to superannuation under this section, and is in receipt, also, of an award under the Workmen's Compensation Act, the superannuation allowance paid to him, based on the terms of this section, shall be reduced by the amount paid under the Workmen's Compensation Act award.

13. SUPERANNUATION ALLOWANCE.

- (1) The annual superannuation allowance of each employee shall be determined as follows, namely:
 - (a) In respect of service prior to the date this by-law becomes effective, one per centum of the annual rate of salary of the employee as of the said date multiplied by the number of years of permanent service prior to the said date taken to the nearest completed year, and
 - (b) 2% of the total average yearly salary payments made after the said date.

In no case, however, shall an employe be entitled to an amount greater than 70% of salary payments during the period covered in (a) and (b).

- (2) Unless otherwise provided all annual payments under this by-law shall be made in equal monthly instalments during the lifetime of the recipient, and commence on the first day of the month next following the date of superannuation.
- (3) No superannuation allowance or other benefit shall be paid to a contributor or dependent of a contributor under this by-law until the Commissioner of Finance has reported to the Board in writing that such payment comes within the scope of this by-law, and it has been authorized at a regular meeting of the Board.

14. DEATH BENEFITS.

On the death of any contributing employe or superannuated employe there shall be paid:

- (1) To his widow, until re-marriage, an annual amount equal to one-half the allowance which the said employe was receiving as superannuation, or would have been entitled to if superannuated.
- (2) To each child until 18 years of age, 10% of the allowance which said employe was receiving as superannuation, or would have been entitled to if superannuated, but in no case shall allowance to the children exceed the allowance to the widow, or the allowance to the widow and children combined be more than three-fourths the amount which the deceased employe was receiving as superannuation, or would have been entitled to if superannuated.
- (3) No allowance shall be granted to a widow or child of a contributor:
 - (a) If the contributor married after superannuation or retirement.
 - (b) If a contributor was over 60 years of age at time of marriage, and such marriage was contracted after the coming into force of this by-law.
 - (c) If a contributor dies within one year of marriage, unless the Board be satisfied that he was, at time of marriage, in sound health, physically and mentally, and that there are no other objections to the granting of an allowance.

Any breach of a contributor as to the above conditions of marriage shall not affect a child by an earlier marriage.

- (4) If a contributor marries, after the coming into force of this by-law, and his age exceeds that of his wife by twenty years or upwards, the allowance to such wife, under the by-law, shall be reduced as the Board may see fit.
- (5) On the death of a contributor without wife or child, while in the employ of the Corporation, who has other dependent or dependents, the Board may grant, at its discretion, to such dependent or dependents, a lump sum or sums not exceeding, in total, the amounts paid into the fund by the contributor, but without interest.

15. RETIREMENT OTHERWISE THAN ON ACCOUNT OF OLD AGE OR DISABILITY.

Any employe who retires voluntarily or who is retired for any other reason than old age, or total and permanent disability, shall be entitled to a refund, in lump sum, of the amount contributed by him under this by-law, without interest, less the amount, if any, paid to him by way of

superannuation allowance during any period of total or permanent disability, provided, however, he has not been retired on account of dishonesty or other misconduct, under which circumstances such refund as may be granted, in part or otherwise, of the amounts contributed by him, under this by-law, shall be at the discretion of the Board.

16. AGE LIMITATION.

- (1) The provisions of this by-law shall not apply to any person who, after the date on which this by-law becomes effective, shall enter the employ of the Corporation and whose age exceeds 50 completed years.
- (2) The age limitation in this section shall not apply to any person who re-enters the service of the Corporation, and becomes subject to the terms of this by-law, if, under the terms of this by-law, his prior period of service will count in determining his allowance at the time of his subsequent superannuation.

17. ADMINISTRATION OF AND KEEPING OF RECORDS IN CONNECTION WITH BY-LAW.

The work in connection with the administration of this by-law, subject to the authority of the Board, and the keeping of all records in connection herewith, shall be under the direction of the Commissioner of Finance.

18. AMENDMENTS TO BY-LAW.

Amendments to this by-law may be made from time to time by City Council on recommendation of the Board of Control, but no amendment, which would mean an increased cost to the fund shall be made, until it has been established by actuarial survey what increased cost to the fund would result from such amendment.

19. WHEN BY-LAW SHALL BECOME EFFECTIVE.

- (1) This by-law shall become effective on the date on which it is passed by City Council, and deductions shall commence to be made from contributors as from the next salary payment.
- (2) On and after the coming into effect of this by-law, no gratuity, retiring allowance or annuity shall be paid to any officer of the Corporation who was entitled to contribute to the fund established by this by-law but who has elected not to become a contributor thereto.

GIVEN under the Corporate Seal of the City of Ottawa, this 8th day of September, A.D., 1931.

(Sgd.) NORMAN H. H. LETT,
City Clerk.

(Sgd.) J. J. ALLEN,
Mayor.

CHAPTER 67.

An Act respecting the City of Port Arthur.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the city of Port Arthur Preamble.
has by its petition represented that the said corporation has by by-law number 2304 duly passed on the 23rd day of January, 1939, authorized the issue of debentures for \$25,000 for the purpose of an advance of moneys to the Port Arthur Arena Company, Limited, to purchase an artificial ice plant and equipment therefor, and authorized the execution on behalf of the said corporation of an agreement between the said corporation and the Port Arthur Arena Company, Limited, in the terms of the provisional agreement set out as Schedule "A" to the said by-law; and whereas the said by-law and the said provisional agreement were submitted to and received the assent of the electors of said corporation prior to the final passage of the said by-law, 1,870 electors having voted in favour of the said by-law and 721 having voted against the said by-law; and whereas an agreement has been executed by the said corporation and the Port Arthur Arena Company, Limited, in the terms of the said provisional agreement; and whereas the said corporation has prayed for special legislation in respect to such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, by-law number 2304 passed on the 23rd day of January, 1939, by the council of the corporation of the city of Port Arthur, entitled "A By-law to authorize the issue of Debentures for \$25,000 for the purpose of an advance of moneys to Port Arthur Arena Company, Limited, to purchase Artificial Ice Plant and Equipment," set out as Schedule A hereto, and the agreement entered into between the said corporation and the Port Arthur Arena Company, Limited, pursuant to the said by-law and in the terms of the provisional agreement appearing as Schedule "A" to the said by-law, set out as Schedule B hereto, are hereby validated and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof and the Port Arthur Arena Company, Limited.

By-law No.
2304 and
agreement
with Port
Arthur
Arena Co.
Ltd. con-
firmed.

Commence-
ment of
Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Port Arthur Act, 1939.*

SCHEDULE A

CITY OF PORT ARTHUR

BY-LAW NUMBER 2304

A by-law to authorize the issue of debentures for \$25,000.00 for the purpose of an advance of monies to Port Arthur Arena Company, Limited, to purchase Artificial Ice Plant and Equipment.

WHEREAS the Council of the City of Port Arthur has been requested by Port Arthur Arena Company, Limited, to enter into an Agreement of which a copy is hereto annexed and marked Schedule "A."

AND WHEREAS the Council proposes, if this By-law is assented to by the electors qualified to vote on money by-laws, to apply to the Legislative Assembly of the Province of Ontario for such legislation as may be necessary to enable The Corporation of the City of Port Arthur to enter into the said Agreement with the said Company.

AND WHEREAS the Council deems it advisable and expedient to submit this by-law to the vote of the electors qualified to vote on money by-laws and if assented to by the said electors and validated by the Legislative Assembly of the Province of Ontario, to issue debentures in the sum of \$25,000.00 to provide the monies required to be raised by the City for the purposes mentioned in the said Agreement, which said sum of \$25,000.00 is the maximum amount of the debt intended to be created by this by-law.

AND WHEREAS it is necessary to borrow the said sum of \$25,000.00 on the credit of the Corporation and to issue debentures therefor payable within five years from the time of the issuing thereof and bearing interest at the rate of $2\frac{1}{2}\%$ per annum.

AND WHEREAS it is desirable to issue the debentures at one time and to make the principal of the said debt payable by yearly sums during the period of five years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the said five years of the said period as shown in Schedule "B" hereto attached.

AND WHEREAS it will be necessary to raise annually the sum of \$5,381.17 during the period of five years to pay for the said yearly sums of principal and interest as they become due, which said sums shall be levied and raised by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur according to the last revised assessment roll is \$30,521,911.00, of which \$4,552,945.00 is wholly exempt from taxation, and \$1,027,460.00 is exempt except for School Taxes and Unemployment Relief purposes.

AND WHEREAS the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts secured by special Acts, rates and assessments) is \$4,278,677.35 and no part of the principal or interest is in arrears.

NOW THEREFORE the Council of the Corporation of the City of Port Arthur enacts as follows:

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$25,000.00 and debentures shall be issued therefor in sums of not less than \$100.00, each bearing interest at the rate of $2\frac{1}{2}\%$ per annum, and the said debentures shall have coupons attached thereto for payment of the interest semi-annually.

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law shall come into force and effect and may bear any date within such two years and shall be payable within five years and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "B" hereto annexed.

3. The debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

4. The interest on the said debentures shall be payable semi-annually in each year during the said five years on such dates as the Council shall hereafter determine and the said interest shall be payable at the Head Office of the Bank of Montreal in the City of Port Arthur, Montreal, Toronto, Winnipeg, and Vancouver.

5. Each of the debentures shall be signed by the Mayor of the City or by some other person authorized by by-law to sign the same and by the Treasurer of the said City, and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation and his signature thereto may be written, stamped, lithographed or engraved.

6. During five years, the currency of the said debentures, there shall be levied and raised annually in respect thereof the sum of \$5,381.17 by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Port Arthur at the same time and in the same manner as other rates.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof.

8. This by-law shall not come into force or effect until assented to by the electors qualified to vote on money by-laws and validated by a special Act of the Legislative Assembly of the Province of Ontario.

ENACTED AND PASSED this 23rd day of January, A.D. 1939.

(Sgd.) CHARLES W. COX,
Mayor.

(Corporate Seal) (Sgd.) ARTHUR H. EVANS,
Clerk.

Schedule "A" to By-Law Number 2304.

THIS AGREEMENT made in duplicate this _____ day of _____
A.D. 19—.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the City,
of the ONE PART.

—and—

PORT ARTHUR ARENA COMPANY, LIMITED,
hereinafter call the Company,
of the OTHER PART.

WHEREAS the Company is desirous of purchasing and installing in the Port Arthur Arena Rink, Artificial Ice Plant and Equipment of an estimated cost of Twenty-five Thousand Dollars (\$25,000.00).

AND WHEREAS the Company is unable to provide the monies necessary for the said purpose and has requested the City to lend to it the sum of Twenty-five Thousand Dollars (\$25,000.00) for the said purpose to be repaid by the Company to the City as hereinafter set out.

AND WHEREAS the City has agreed to so lend the said sum to the Company as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained the parties hereto covenant and agree each with the other as follows:

1. The Company agrees forthwith after the execution hereof to purchase and install in its Rink at Port Arthur, known as the Port Arthur Arena Rink, suitable Artificial Ice Plant and Equipment of a value of not less than Twenty-five Thousand Dollars (\$25,000.00) and to keep, use, and maintain the said Artificial Ice Plant and Equipment in the Rink until the monies advanced by the City hereinafter mentioned and the interest thereon shall have been fully paid and satisfied.

2. The City agrees to advance to the Company a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00) for the purposes mentioned in the preceding paragraph hereof and the Company covenants and agrees with the City to repay the said sum to the city and the interest thereon as hereinafter provided in the manner following, that is to say:

The said principal sum of Twenty-five Thousand Dollars (\$25,000.00) shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of June in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits less all necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company. The balance of principal from time to time outstanding shall bear interest at the same rate as the Municipal Debentures to be issued to provide the said monies, but only while any of the said debentures are outstanding, which said interest shall be paid semi-annually on the 1st days of May and November in each year as well after as before maturity and both before and after default; interest in arrears to bear interest at the rate aforesaid until paid,

to be compounded with semi-annually rests, the first payment of interest to be computed from the date of advance of the said monies to the Company, to fall due and be paid on the next ensuing first day of May or November thereafter as the case may be. The Company shall have the privilege of prepaying the whole of the said indebtedness or of increasing the payments hereinbefore mentioned without notice and without bonus. If the Company shall make default in repayment of principal or interest as above, the entire balance owing by the Company shall, at the option of the City, become due and payable forthwith.

3. As collateral security for repayment of the said indebtedness the Company covenants and agrees to execute and deliver to the City, in form satisfactory to the City, a Mortgage upon the real estate, buildings and fixtures of the Company, including the Artificial Ice Plant and Equipment, repayable as mentioned in the preceding paragraph hereof, which said Mortgage shall be a charge upon the said assets subject only in priority to the existing first Mortgage in favour of the City and which said Mortgage shall contain a covenant of the Company that until the said Mortgage and the said existing first Mortgage shall have been fully paid and satisfied the Company shall not make or pay to its Directors or Shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of Principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation, or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgages.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the Buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. The monies required to be raised by the City for the purpose aforesaid shall be raised by the City by the issue of debentures repayable in equal annual instalments of Principal and interest within five years, bearing $2\frac{1}{2}\%$ interest or such other rate as the Council, with the approval of The Ontario Municipal Board, pursuant to Section 310 of the Municipal Act, may decide.

8. The Council of the City of Port Arthur, may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning

of the terms hereof, and may, in like manner, on behalf of the City, settle and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

9. This Agreement, when the By-law to provide the monies herein-before mentioned shall have been assented to by the electors qualified to vote thereon, shall be submitted to the Legislative Assembly of the Province of Ontario by the City for validation and in any event the Company agrees to pay to the City forthwith after the same are incurred the costs and expenses of taking the vote of the said electors and of the said application for validation.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the City and of the Company respectively.

IN WITNESS WHEREOF the Corporate Seals of the City and the Company respectively and the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED	THE CORPORATION OF THE CITY OF PORT ARTHUR
In the Presence of:	By..... Mayor, Clerk. PORT ARTHUR ARENA COMPANY, LIMITED By..... President, Secretary.

Schedule "B" to By-Law Number 2304.

Deb No.		Interest	Principal	Annual Payment	Balance
1	1st Year.....	\$625.00	\$4,756.17	\$5,381.17	\$20,243.83
2	2nd Year.....	506.10	4,875.07	5,381.17	15,368.76
3	3rd Year.....	384.22	4,996.95	5,381.17	10,371.81
4	4th Year.....	259.29	5,121.88	5,381.17	5,249.93
5	5th Year.....	131.25	5,249.93	5,381.17
			\$25,000.00		

SCHEDULE B

THIS AGREEMENT made in duplicate this 8th day of February, A.D. 1939,

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,
hereinafter called the City,

of the ONE PART,

—and—

PORT ARTHUR ARENA COMPANY, LIMITED,
hereinafter called the Company,

of the OTHER PART.

WHEREAS the Company is desirous of purchasing and installing in the Port Arthur Arena Rink, Artificial Ice Plant and Equipment of an estimated cost of Twenty-five Thousand Dollars (\$25,000.00).

AND WHEREAS the Company is unable to provide the monies necessary for the said purpose and has requested the City to lend to it the sum of Twenty-five Thousand Dollars (\$25,000.00) for the said purpose to be repaid by the Company to the City as hereinafter set out.

AND WHEREAS the City has agreed to so lend the said sum to the Company as hereinafter provided.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in pursuance of the premises and in consideration of the mutual covenants and agreements hereinafter contained the parties hereto covenant and agree each with the other as follows:

1. The Company agrees forthwith after the execution hereof to purchase and install in its Rink at Port Arthur, known as the Port Arthur Arena Rink, suitable Artificial Ice Plant and Equipment of a value of not less than Twenty-five Thousand Dollars (\$25,000.00) and to keep, use and maintain the said Artificial Ice Plant and Equipment in the Rink until the monies advanced by the City hereinafter mentioned and the interest thereon shall have been fully paid and satisfied.

2. The City agrees to advance to the Company a sum not exceeding Twenty-five Thousand Dollars (\$25,000.00) for the purposes mentioned in the preceding paragraph hereof and the Company covenants and agrees with the City to repay the said sum to the City and the interest thereon as hereinafter provided in the manner following, that is to say:

The said principal sum of Twenty-five Thousand Dollars (\$25,000.00) shall become due and be paid in any event at the expiration of twenty (20) years from the date when it shall have been advanced to the Company; provided that on the 1st day of June in each and every year the Company shall pay to the City on account of the said debt the whole of its net profits for the preceding financial year of the Company, which said net profits shall be deemed to be the gross profits less all necessary and proper operating and administrative expenses, including reasonable depreciation and necessary and proper expenditures for replacements of or improvements to buildings, plant, and equipment of the Company. The balance of principal from time to time outstanding shall bear interest at the same rate as the Municipal Debentures to be issued to provide the said monies, but only while any of the said Debentures are outstanding, which said interest shall be paid semi-annually on the 1st days of May and November in each year as well after as before maturity and both before and after default; interest in arrears to bear interest at the rate aforesaid until paid, to be compounded with semi-annual rests, the first payment of interest

to be computed from the date of advance of the said monies to the Company, to fall due and be paid on the next ensuing first day of May or November thereafter as the case may be. The Company shall have the privilege of prepaying the whole of the said indebtedness or of increasing the payments hereinbefore mentioned without notice and without bonus. If the Company shall make default in repayment of principal or interest as above, the entire balance owing by the Company shall, at the option of the City, become due and payable forthwith.

3. As collateral security for repayment of the said indebtedness the Company covenants and agrees to execute and deliver to the City, in form satisfactory to the City, a Mortgage upon the real estate, buildings and fixtures of the Company, including the Artificial Ice Plant and Equipment, repayable as mentioned in the preceding paragraph hereof, which said Mortgage shall be a charge upon the said assets subject only in priority to the existing first Mortgage in favour of the City and which said Mortgage shall contain a covenant of the Company that until the said Mortgage and the said existing first Mortgage shall have been fully paid and satisfied the Company shall not make or pay to its Directors or Shareholders any bonus, dividend, payment or distribution of profits whatsoever, and a proviso that upon breach of the said covenant the City shall be entitled to exercise all its rights under the said Mortgage in the same manner and to the same extent as for default in payment of principal or interest.

4. The Company further covenants and agrees with the City that if the Company, without the consent of the City, shall cease to operate the said Port Arthur Arena Rink for a period of one year, the monies owing under and by virtue of the said Mortgage shall, at the option of the City, become due and payable forthwith and in such event and upon default in payment of the respective sums secured by the said Mortgage, the City may forthwith proceed to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default of payment of principal and as if this covenant were expressly contained in and formed a part of the said Mortgage.

5. The Company covenants and agrees with the City that until the said Mortgage shall have been fully paid and satisfied it will at all times elect to its Board of Directors four nominees of the City who are shareholders of the Company, and in the event of the death, resignation, or removal of any one or more of the said nominees from the said Board of Directors, that it will elect or appoint other nominees of the City in their place who shall be shareholders of the Company, and in default by the Company in the observance of this covenant, the balance secured by the said Mortgage shall, at the option of the City, become due and payable forthwith, and in default of payment by the Company, the City shall be at liberty to enforce the terms and provisions of the said Mortgage in the same manner and to the same extent as for default in payment of principal and as if this covenant were expressly contained in the said Mortgage.

6. Until the indebtedness aforesaid shall have been fully paid and satisfied the Company covenants and agrees to insure and keep insured the buildings, fixtures, and Artificial Ice Plant and Equipment hereinbefore mentioned to their full insurable value in a Company or Companies satisfactory to the City with the loss payable thereunder to the City as its interest may appear.

7. The monies required to be raised by the City for the purpose aforesaid shall be raised by the City by the issue of debentures repayable in equal annual instalments of principal and interest within five years, bearing $2\frac{1}{2}\%$ interest or such other rate as the Council, with the approval of The Ontario Municipal Board, pursuant to Section 310 of the Municipal Act, may decide.

8. The Council of the City of Port Arthur, may, by resolution and without further authority from the ratepayers of the City, from time to time, make declarations binding upon the City as to the fulfilment by the Company of its obligations hereunder, and the interpretation and meaning of the terms hereof, and may, in like manner, on behalf of the City, settle

and compromise and otherwise deal with any disputes or questions which may from time to time arise between the City and the Company in respect to the matters herein referred to.

9. This Agreement, when the By-law to provide the monies hereinbefore mentioned shall have been assented to by the electors qualified to vote thereon, shall be submitted to the Legislative Assembly of the Province of Ontario by the City for validation and in any event the Company agrees to pay to the City forthwith after the same are incurred the costs and expenses of taking the vote of the said electors and of the said application for validation.

10. This Agreement shall be binding upon and enure to the benefit of the successors and assigns of the City and of the Company respectively.

IN WITNESS WHEREOF the Corporate Seals of the City and the Company respectively and the hands of their respective proper officers in that behalf.

SIGNED, SEALED AND DELIVERED

In the Presence of:

(Corporate Seal of the Corporation of the City of Port Arthur)

(Corporate Seal of Port Arthur Arena Company, Limited)

THE CORPORATION OF THE CITY OF
PORT ARTHUR

by (Sgd.) CHARLES W. COX,
Mayor.

(Sgd.) ARTHUR H. EVANS,
Clerk.

PORT ARTHUR ARENA COMPANY,
LIMITED

by (Sgd.) S. A. COULTER,
President,

(Sgd.) F. H. BLACK,
Secretary.

CHAPTER 68.

An Act respecting the Cities of Port Arthur
and Fort William.

Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.

WHEREAS the corporation of the city of Port Arthur Preamble
and the corporation of the city of Fort William have
by their petition prayed for special legislation in respect to
the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the corporation of the city of Port Arthur Power to
and the council of the corporation of the city of Fort William grant or
may, in addition to any grant or loan made under *The Agri-* loan money
cultural Societies Act, grant or loan the sum of \$5,000 each to to Canada.
the Canadian Lakehead Exhibition upon such terms as may Lakehead
be agreed by the said councils and the said exhibition. Exhibition.

2. This Act may be cited as *The Cities of Port Arthur and* Short title.
Fort William Act, 1939.

CHAPTER 69.

An Act respecting the Trustee Board of The Presbyterian Church in Canada.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

WHEREAS application is being made to the Parliament of Canada at the present session thereof for an Act intituled, *An Act respecting The United Church of Canada* to provide that The Presbyterian Church in Canada, as defined in section 1 of this Act, may use the name "The Presbyterian Church in Canada" but that such use shall be without prejudice to the rights or powers of The United Church of Canada as set forth in the said Act; and whereas application is also being made to the Parliament of Canada at the present session thereof for an Act intituled, *An Act to incorporate The Trustee Board of The Presbyterian Church in Canada* to provide that the said Board may acquire, take, hold and deal with real and personal property for and on behalf of The Presbyterian Church in Canada, as defined in section 1 of this Act; and whereas The Presbyterian Church in Canada as defined in section 1 of this Act has prayed that an Act may be passed respecting its property, rights and powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The words "The Presbyterian Church in Canada" occurring in this Act subsequent to this section mean and include only the congregations, members and adherents of The Presbyterian Church in Canada who did not on the 10th day of June, 1925, become part of The United Church of Canada and those persons who have since that date joined or may hereafter join with them as members or adherents, and notwithstanding anything contained in *The United Church of Canada Act*, being Chapter 125 of the Statutes of Ontario, 1925, the said congregations, members, adherents and persons may use the name "The Presbyterian Church in Canada," but this shall not in any way prejudice or affect the rights or powers of The United Church of Canada or of any

Preamble.

Definition of
The Presby-
terian
Church in
Canada.

1925, c. 125.

constituent part thereof or of any corporation, board, committee or other body created by or under the government or control of or in connection with The United Church of Canada or of any congregation thereof.

Power to
acquire
property.

2. The Trustee Board of The Presbyterian Church in Canada hereinafter called "the Board," incorporated by the Parliament of Canada, shall at all times be entitled to purchase, lease, acquire, have, take, hold, receive and enjoy all or any property, real and personal, whatsoever in Ontario.

Property
vested in
Board.

3. Save as otherwise provided in this Act, all gifts, devises, deeds, conveyances, transfers or leases of any real property or of any interest therein and all gifts, bequests, assignments or transfers of any personal property or of any interest therein which have been or shall hereafter be made to or intended for, The Presbyterian Church in Canada or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church shall vest in the Board as fully and effectually as if any such gift, devise, deed, conveyance, transfer, lease, bequest or assignment had been made to the Board and shall be held and administered by the Board for the general benefit of the said church, unless intended for the specific benefit of any trust, institution, organization, scheme, or fund of the said church when the same shall be held and administered by the Board for such specific benefit, but nothing in this Act contained shall vest in the Board any real or personal property or any interest therein which the Board shall decide not to accept.

Property
vested in
Board
subject to
trusts.

4. All property real and personal, which shall be vested in or held by the Board for any general or special purposes or trusts of or in any way connected with The Presbyterian Church in Canada shall be held for the purposes and trusts, and with, under and subject to the same powers and provisions, as are in force or declared under any deed, instrument or statute affecting such property respectively.

Property
held by
trustees to
be trans-
ferred to
Board.

5. Save as otherwise provided in this Act, every person in whom any property, real or personal, or any interest therein, shall have become vested heretofore, or shall become vested from time to time hereafter, by statute, or by order of a commission, or by gift, devise, deed, conveyance, transfer, lease, bequest, or assignment, or in any other manner, upon trust for The Presbyterian Church in Canada, or any of the trusts in connection with the said church, or any of the institutions, organizations, schemes or funds of the said church shall upon the request of the Board and at the Board's expense forthwith assign, convey or otherwise transfer such property or interest therein to the Board, and shall sign and

execute all such deeds and instruments, and do all such acts, as may be necessary for that purpose.

6. When any property, real or personal, or any interest therein, shall have been assigned, conveyed or otherwise transferred to the Board as aforesaid all rights, powers, and liabilities of the person or persons in whom the same was theretofore vested shall cease and determine and he or they shall thenceforth be wholly released and discharged from the performance of the trusts and the exercise of the rights, powers or duties, previously imposed upon or exercisable by him or them: Provided that nothing herein shall be deemed to prevent any such person from being called on to account for any moneys received or expended, or for the doing or non-performance of any act, matter, or thing in relation to the trust, prior to the assignment, conveyance or transfer of such property as aforesaid.

Release of
former
trustees.

7. All contracts of every kind in existence at the date of the incorporation of the Board, and which could be enforced by or against the trustees of any property affected by the operation of this Act, or any committee or other persons or body in whom any such property may have been vested at the date aforesaid, and all rights, remedies, and powers in existence or which may afterwards exist or arise upon or in respect of any such contract or in relation thereto, shall be exercised and enforced only by or against the Board.

Board to
have power
to enforce
existing
contracts.

8. The Board shall at all times on the request of the General Assembly of The Presbyterian Church in Canada, or on the request of the Board of Administration of The Presbyterian Church in Canada, or other board or committee which may from time to time be charged with the management of the trusts, institutions, organizations, schemes and funds, respectively, of The Presbyterian Church in Canada, pay the rents, income or produce of any real property or interests therein, and of any personal property, or interests therein, to the treasurer of The Presbyterian Church in Canada for the benefit of the said trusts, institutions, organizations, schemes, and funds respectively, and shall also at the like request sell and convert into money the real property, or interests therein, and the personal property, or interests therein, subject to the trusts on which the same may be held, and shall pay the proceeds of the said sales to the said treasurer for the benefit of the said trusts, institutions, organizations, schemes, and funds respectively: Provided, and it is hereby expressly declared, that no purchaser from the Board shall be bound to see that the said request shall have been made, or to inquire as to the application of the said purchase money, or the regularity of the appointment or proceedings of the

Income from
funds held
by Board.

Board; and the execution of any grant, deed, conveyance, transfer, lease, assignment, release, discharge, or other instrument, shall be deemed sufficient and conclusive when executed as hereinafter set forth.

Property conveyed to Board for congregations to be formed.

9. All purchases, gifts, devises, deeds, conveyances, transfers or leases of lands which may be made for or to The Presbyterian Church in Canada as a site for a church, manse, school, or cemetery, for the use of a congregation not then organized, shall vest in the Board in trust to convey the same to the trustees of such congregation when it shall have been organized under the sanction of the presbytery within the bounds of which it is situate, or in default of such organization in trust to sell the same and pay the proceeds of such sale to the treasurer of The Presbyterian Church in Canada, for such trusts, institutions, organizations, schemes or funds thereof as may be determined from time to time by the General Assembly of the said Church.

Property of congregations ceasing to exist.

10. All lands and premises and personal property and assets which have been, or shall hereafter at any time, be held by any trustee or trustees for any congregation of The Presbyterian Church in Canada which shall have ceased to exist shall vest in the Board upon trust to sell, get in and realize the same and to pay the proceeds to the treasurer of The Presbyterian Church in Canada for such trusts, institutions, organizations, schemes or funds thereof as may be determined from time to time by the General Assembly of the said church.

Act not to apply to certain trusts.

11. Except as provided by sections 9 and 10 nothing in this Act contained shall affect or apply to the trustees of, or the trust property under, or the administration of, any trusts upon which any property, real or personal, or any interest therein, is now held for the benefit of, or in connection with, any congregation of The Presbyterian Church in Canada under any statute, instrument, will, trust deed or otherwise, or held by such trustees upon any congregational trusts whatsoever, and nothing in this Act contained shall affect or apply to any gift, devise, deed, conveyance, transfer or lease of any real property or any interest therein or any gift, bequest, assignment or transfer of personal property or any interest therein which shall hereafter be made to or intended for the benefit of any congregation of The Presbyterian Church in Canada.

Incidental powers of Board.

12. In addition to and without in any way limiting the powers exercisable by the Board under this Act or under any other law or statute applicable to it, it is hereby declared that the Board shall possess and may exercise from time to time the following incidental and ancillary powers:—

- (a) Power to invest and reinvest or lend moneys in or Investments.
upon any securities real or personal in which a life insurance company carrying on business in Canada may from time to time invest or lend moneys, and the Board shall have all such rights and remedies for the collection and enforcement or repayment of an investment or loan as any individual would have;
- (b) Power to borrow money for its purposes upon its Borrowing.
credit and to mortgage, hypothecate or pledge any property, real or personal, vested in or held by it as security for any loan;
- (c) Power to make, accept, draw, endorse, and execute, Negotiable instruments.
bills of exchange, promissory notes, orders for the payment of money, and other negotiable instruments;
- (d) Power to receive and hold for the benefit of The Annuities.
Presbyterian Church in Canada, or any of the trusts in connection with the said church, or any of the institutions, or organizations, schemes, or funds, of the said church, sums of money in consideration of the payment, during the life of the donor or during any other period, of interest thereon at such rate as may from time to time be agreed upon, or in consideration of the payment of an annuity or annuities to any person or persons in respect thereof. But this power shall not authorize the Board to engage in the business of insurance.

13. No personal liability shall attach to any of the mem- No personal liability on members of Board.
bers of the Board for the failure of any investment or security which may be made or taken by the Board as authorized by this Act.

14. All grants, conveyances, deeds, transfers, leases, Execution of documents under seal.
assignments, releases, discharges, and other instruments, shall be made and executed by the Board under its corporate seal, attested by the signatures of any two members of the Board, and when so made and executed shall be sufficient and conclusive.

15.—(1) If any member of the Board shall die, or resign Vacancies on Board.
his office, or refuse or neglect to act, or shall cease to reside in Canada for more than twelve months in succession, or shall become mentally incompetent, he shall be deemed to have vacated his office as a member of the Board.

(2) In the case of a vacancy or vacancies occurring in the Filling vacancies on Board.
membership of the Board at any time the Board of Administration of The Presbyterian Church in Canada or the Executive

Committee thereof may fill any or all of such vacancies and the person or persons so appointed shall hold office until the next meeting of the General Assembly of The Presbyterian Church in Canada and until their successors are appointed. At its next meeting the General Assembly of the said church shall appoint members to fill such vacancies and the members temporarily appointed by the Board of Administration or the Executive Committee thereof shall be eligible for appointment by the said General Assembly.

Power of
General
Assembly
to remove
members of
Board.

16. The General Assembly of The Presbyterian Church in Canada may also at any time, by resolution passed by such Assembly, remove any member of the Board from office, without having or alleging any cause for such removal, and may appoint some person as a member of the Board in his place and stead.

Reports to
General
Assembly.

17. The Board shall present to the General Assembly of The Presbyterian Church in Canada at each meeting thereof a report in which shall be set forth fully the various moneys, securities, and property, real and personal, which shall have come into its hands since its last preceding report, and the moneys, securities, and property still held by it, and in which shall also be set forth fully the disposition made by the Board since its last preceding report of any moneys, securities, and property, and the income thereof.

Power of
General
Assembly,
etc., to make
regulations,
etc.

18. The General Assembly of The Presbyterian Church in Canada may from time to time make, amend and repeal by-laws, resolutions, rules and regulations for the government and control of the Board, and may from time to time delegate to the Board of Administration of The Presbyterian Church in Canada, or to the Executive Committee thereof, or to any specially appointed committee thereof, all or any part of its powers as to, and jurisdiction over, the Board. Until the said General Assembly makes by-laws, resolutions, rules or regulations for the government and control of the Board, the Board shall be subject to the government and control of the said Board of Administration.

Copies of
documents
to be
evidence.

19. All copies of any by-laws, resolutions, rules or regulations, or any amendments or alterations thereto purporting to be made under the provisions of this Act, purporting to be under the seal of the Board, and to be signed by any two members of the Board, shall be *prima facie* evidence in all courts of the contents thereof without proof of the authenticity of such seal or signatures.

Statutes of
Mortmain
not to apply.

20. The powers conferred on the Board by this Act to purchase, lease, acquire, have, take, hold, receive and enjoy all or any property, real and personal, whatsoever in Ontario

shall not be limited or affected by the provisions of any statute respecting Mortmain in force in Ontario.

21. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent. ment of Act.

CHAPTER 70.

An Act respecting the Rideau Club.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

WHEREAS the Rideau Club has by petition represented ^{Preamble.} that it is desirous of borrowing the sum of \$170,000 for the purpose of redeeming all the outstanding debentures issued under the authority of an Act passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 163; and whereas the Rideau Club has by its petition prayed that an Act may be passed for the purpose aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Rideau Club, through its executive committee, may ^{Power to} for the purpose aforesaid, borrow upon the credit of the said ^{borrow} Club the sum of \$170,000 at such rate of interest and on such ^{\$170,000} terms as the said executive committee may determine, and ^{and give} may, from time to time, give security for such indebtedness, ^{security} or any part thereof, by a mortgage or pledge of the lands and ^{therefor.} premises of the said Club, executed by such officers of the said Club as may be duly authorized therefor.

2. This Act may be cited as *The Rideau Club Act, 1939.* ^{Short title.}

CHAPTER 71.

An Act respecting the Roman Catholic Episcopal Corporation for the Diocese of Alexandria.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the Roman Catholic Episcopal Corporation ^{Preamble.} for the Diocese of Alexandria in Ontario, hereinafter referred to as the "corporation," has by its petition represented that doubts have arisen as to the powers of the corporation under the incorporating and other Acts relating thereto, and the corporation has prayed that an Act may be passed to remove such doubts and to enlarge its powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The corporation is hereby authorized and empowered to sell and dispose of, either by public auction or by private sale, and either for cash or on terms of credit, or partly for cash and partly on credit, and either in bloc or in parcels, the whole or any portion of the lands and premises now owned by the corporation or which may hereafter be owned by the corporation in Ontario and to apply the proceeds derived from any such sale without restriction, in any manner, and for any purpose which the corporation may deem meet. ^{Power to sell real estate.}

2. In the event of any such sale the corporation is hereby authorized and empowered to require and take from the purchaser, or purchasers thereof, such securities for the payment of the purchase money, or any part thereof, either by way of mortgage on the lands sold, or any portion thereof, or upon any other lands, as the corporation may deem fit, or by way of bond, obligation or other security in the nature thereof, without restriction and in as full and ample a manner, and to as full an extent as regards the rate of interest to be charged, the terms of repayment of principal and interest, and other provisoes, stipulations and conditions, to be contained in such mortgages and other securities, and the enforcement thereof, and recovery by legal process or otherwise, of the moneys thereby secured, as private individuals are by law authorized and empowered to take and enforce such mortgages and other securities, and such mortgages, bonds,

obligations or other securities, when paid, to effectually discharge and release.

Power to
sell and
assign mort-
gages, etc.

3. The corporation is hereby authorized and empowered to negotiate, sell, assign, or transfer any or all of such mortgages, bonds, obligations or other securities, at any time during the currency thereof, to any person or persons, company, corporation, society, or association, or one or more of them, for such an amount and upon such terms as may be agreed upon between the corporation and the person or persons, company, corporation, society, or association, or one or more of them to whom the said mortgages or other securities or any of them may be assigned.

Power to
apply
proceeds.

4. The corporation is hereby authorized and empowered to apply the money derived from such sale or assignment as aforesaid, of the said mortgages, bonds, obligations or other securities, without restriction, in such manner and for such purposes as to the corporation may seem fit, in the same manner and to the same extent as the corporation is by this Act empowered to apply and use the purchase money which may be paid directly on the sale of any of the said lands.

Power to
sell and
invest.

5. Subject to any trust relating thereto the corporation may sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the corporation, whether by way of investment for the uses and purposes of the corporation, whether in trust or otherwise, and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by it for its uses and purposes, in and upon any security in which trustees are by the laws of Ontario authorized to invest, and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the corporation or to any corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Application
of
Rev. Stat.,
c. 147.

6. The provisions of this Act shall be subject to *The Mortmain and Charitable Uses Act*, except that the period within which the land shall be sold shall be seven years instead of two years and it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* held, used and occupied for ecclesiastical, charitable or educational purposes or other purposes of the corporation.

Exception.

Powers as
to personal
property.

7. For the purpose of avoiding doubt, it is hereby declared that the corporation may acquire, hold and alienate personal property or moveables for the purposes for which the corporation is constituted.

8. The corporation may borrow money on the credit of the corporation for the purposes of the corporation in such amounts, on such terms and from such persons, firms, or corporations, including chartered banks, as may be determined by the corporation.

Borrowing powers.

9. The corporation may make, draw and endorse promissory notes or bills of exchange, and it shall not be necessary to the validity of any such instrument to have the seal of the corporation affixed thereto.

Promissory notes, etc.

10. The corporation may borrow moneys on mortgage security of the real estate of the corporation for any of the purposes of the corporation.

Borrowing powers on mortgage security.

11.—(1) Notwithstanding the provisions of any Act relating to the corporation, it shall be lawful for the bishop of the Diocese of Alexandria in Ontario for the time being, in the name of the corporation, to make or execute any deed, conveyance, mortgage, demise, release or assignment of the whole or any part of the lands, tenements or hereditaments acquired or held, or to be hereafter acquired by the corporation with the consent in writing of the chancellor of the diocese or any vicar-general, and in case there shall happen to be no chancellor and no vicar-general, or in case both of them shall be incapacitated by sickness, infirmity or any other cause or shall be necessarily absent at the time, then of two clergymen to be selected or named by the said bishop, all such selections or nominations and such consent to appear upon the face of the deed or other instrument in writing, intended to be executed by the parties, and to be testified by the said bishop and chancellor or any vicar-general, or by such two clergymen as aforesaid, as the case may be, being made parties to, and signing and sealing all the deeds, conveyances, mortgages, leases, assignments or other instruments in the presence of two credible witnesses as consenting parties thereto respectively.

Execution of instruments.

(2) A declaration on the face of any such instrument that it has been executed by the persons and in the manner provided herein shall be sufficient evidence of the matters therein referred to.

Declaration as to execution.

12. The corporation may lend money to or may guarantee with or without security, upon such terms as it may determine any debts of, the performance of any obligations of, and the repayment of any advances made or to be made to or for the purposes of any Roman Catholic corporation, organization, association, club or society, engaged in activities in or partly in the Diocese of Alexandria in Ontario, or any officers thereof, or of any pastor of a parish in the said diocese; and notwithstanding that any such corporation, organization, association,

Power to lend money, etc.

club, society or pastor may not have power to borrow money, any such guarantee shall be valid and binding upon the corporation, in the same manner as if such corporation, organization, association, club, society or pastor had power to borrow money.

Security for
loans.

13. The corporation may hypothecate, pledge or charge any or all of the personal property of the corporation to secure any money borrowed or the fulfilment of any guarantee entered into by it or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it.

Issue of
bonds, etc.

14. The corporation may issue bonds, debentures and obligations on such terms and conditions as the corporation may decide and may pledge or sell such bonds, debentures or obligations for such sums and at such prices as the corporation may decide, and may mortgage, charge, hypothecate or pledge all or any part of the real or personal property of the corporation to secure any such bonds, debentures or obligations and any money borrowed as aforesaid for the purposes of the corporation.

Signature
of bishop
binding.

15. Notwithstanding the provisions of this or any other Act relating to the corporation, every guarantee, instrument of hypothecation, charge or pledge of personal property, bond, debenture and obligation made, drawn, signed or endorsed by the bishop for the time being of the said diocese, on behalf of the corporation, under the seal of the corporation, and every promissory note and bill of exchange made, drawn, signed or endorsed by the bishop for the time being of the said diocese on behalf of the corporation whether with or without the seal of the corporation shall be legal, valid and binding upon the corporation, and the execution of any guarantee in the manner aforesaid shall be conclusive evidence that such guarantee is valid and binding upon the corporation.

Corporation
to be bound
for repay-
ment of
money.

16. It is hereby declared that the corporation shall be bound for payment of all money heretofore borrowed by and in the name of the corporation and shall be liable on all promissory notes and bills of exchange and on all guarantees heretofore entered into by and in the name of the corporation, with or without the corporate seal, notwithstanding that the corporation may not have had power to borrow such money or to enter into such guarantees if such borrowing or such guarantees would have been valid if done or entered into under this Act.

No obliga-
tion re
application
of money.

17. The persons, firms or corporations, including chartered banks, from whom any money may be borrowed by the corporation shall not be obliged to see to the application of such money or any part thereof.

18. It is hereby declared that the corporation is the "owner" within the meaning of *The Cemetery Act*, of the cemeteries used in connection with parishes and chapels in the Diocese of Alexandria in Ontario and that *The Cemetery Act* shall apply to the said cemeteries.

Ownership
of ceme-
teries.
Rev. Stat.,
c. 351.

19. Notwithstanding the provisions of *The Cemetery Act*, the corporation, for the purpose of putting any cemetery in the Diocese of Alexandria in Ontario in a proper state of repair and cutting grass on the lots therein, may remove or repair any dilapidated monument, gravestone, marker or other structure placed therein, or any fence, railing or other work erected or done for the protection or ornament of the lots therein, and may level all graves therein and reconstruct and repair any of the roads at present existing therein.

Power to
remove
monuments
and level
graves.
Rev. Stat.,
c. 351.

20. Except as this Act otherwise expressly provides, in case the bishop for the time being of the Diocese of Alexandria in Ontario shall from sickness, infirmity or any other cause, become incapable or be incapacitated to perform or be otherwise prevented from performing his duties in the said diocese, or in case of his absence from the said diocese, the coadjutor of the said diocese, or if there is no coadjutor any vicar-general of the said diocese, or in the case of the vacancy of the see, the administrator of the said diocese shall during such sickness, infirmity, incapacity, prevention, absence from the said diocese or vacancy of the see, have the same powers as are by this Act and other Acts relating to the corporation conferred upon the said bishop.

Illness, etc.,
of bishop.

21. The expression "purposes of the corporation" as used in this Act and in any other Act relating to the corporation shall, without limiting the generality of the said expression, include among other things the erecting, finishing, enlarging, repairing or equipping of any church, chapel, school, college, seminary, parish hall or clergyman's residence, or any out-building, garage or other building in connection therewith, and the levelling, fencing, laying out, maintaining or beautifying of the grounds surrounding same.

Interpreta-
tion.

22. This Act shall be read with the Act passed in the eighth year of the reign of Her late Majesty Queen Victoria and chaptered 82, the Act passed in the forty-fourth year of the reign of Her late Majesty Queen Victoria and chaptered 86, the Act passed in the forty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 92, and the Act passed in the fifty-fourth year of the reign of Her late Majesty Queen Victoria and chaptered 98, and the powers conferred upon the corporation by this Act shall be deemed to be in addition to the powers conferred upon the corporation by the said Acts and in the case of conflict between the pro-

Construction
with prior
Acts.
8 Vict., c. 82.
44 Vict.,
c. 86.
47 Vict.,
c. 92.
54 Vict.,
c. 98.

visions of this Act and the provisions of any of the said Acts, the provisions of this Act shall govern.

Short title.

23. This Act may be cited as *The Roman Catholic Episcopal Corporation (Diocese of Alexandria) Act, 1939.*

CHAPTER 72.

An Act respecting the Township of
Sandwich West.

Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.

WHEREAS the corporation of the township of Sandwich Preamble.
West has by its petition prayed for special legislation
in respect to the matters hereinafter set forth; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the said corporation shall in lieu of the
requirements of clause *c* of paragraph 2 of section 406 of *The* Variation of
requirements
of Rev.
Stat., c. 266,
s. 406, par. 2,
cl. c.
Municipal Act notify all owners whose property is affected
in any by-law passed under the said section of its intended
application to the Ontario Municipal Board for its approval
of the said by-law by advertising to such effect in a local
newspaper and in the *Ontario Gazette* at least once a week
for four weeks before the day fixed by the said Board for
hearing the application, and such notification shall be sufficient
for the purposes of the said section.

2. The council of the said corporation may, where the
amount of municipal taxes on any vacant land within the
said township is less than \$1.50, by by-law levy an additional
amount sufficient to increase the amount of such taxes to
\$1.50. Power to
levy mini-
mum tax.

3. This Act may be cited as *The Township of Sandwich* Short title.
West Act, 1939.

CHAPTER 73.

An Act respecting the City of Toronto.

*Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the city of Toronto has Preamble.
by its petition prayed for special legislation in respect
to the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The council of the said corporation may by by-law By-law
authorized
re W.L.
Mackenzie
home.
exempt the premises now known as 82 Bond Street, being
the former home of the late William Lyon Mackenzie, from
taxation for the year 1937 and succeeding years, provided
that the said premises be maintained as an historical site.

2. The council of the said corporation may by by-law By-law
authorized
re new
houses.
exempt from taxation private dwelling houses or any class of
private dwelling houses from the time the erection of any such
house is commenced until such house is occupied, provided
that the period of such exemption shall not exceed two years.

3.—(1) The Ontario Municipal Board may approve by-law Approval
of building
by-laws by
Municipal
Board.
No. 9868 passed by the council of the said corporation entitled
“A By-law to regulate the erection and provide for the safety
of buildings” and any by-law passed by the said council
amending such by-law or containing provisions regulating
the erection or providing for the safety of buildings, and upon
such approval being given any such by-law shall be deemed
to have been validated and confirmed.

(2) The said Board shall not approve any such by-law until
it has held a public hearing with respect thereto in the city of
Toronto after such notice thereof as the Board may direct.

(3) Any disbursements incurred by the said Board in con-
nection with any such approval shall forthwith be paid by the
treasurer of the said corporation upon certificate of the
chairman of the said Board.

Noise
by-law
confirmed.

4. By-law No. 14913 passed by the council of the said corporation entitled "A By-law respecting noises," set out in Schedule A hereto, is hereby validated and confirmed, and the said by-law may be amended from time to time with the approval of the Ontario Municipal Board.

Agreement
re airports
confirmed.

5.—(1) The agreement made between the said corporation and the Toronto Harbour Commissioners, set out in Schedule B hereto, is hereby validated and confirmed, and the parties thereto are hereby granted power and authority to do such acts and things as may be necessary or incidental to the performance of the said agreement and as may be necessary or incidental to the construction, extension, development, control, maintenance, management or operation of the Toronto Malton Airport and the Toronto Island Airport.

Removal of
obstructions
to airports.

(2) The council of the said corporation or the Toronto Harbour Commissioners with the consent of the said council may enter into an agreement with the owner of any land adjacent to or in the vicinity of the Toronto Malton Airport or the Toronto Island Airport for the removal or alteration of any building, pole, tree, fence, signboard or other erection or object which it may be necessary to remove or alter in order to comply with any regulation respecting the operation of such airports.

Application
to judge.

(3) If the said council or the said commissioners are unable to make any such agreement the said council, or the said commissioners with the consent of the said council, may apply to the judge of the county court of the county in which the said land is situate for an order compelling the removal or alteration of any such erection or object in respect of which the application is made, upon such notice to the owner of the land affected as the said judge may direct, and the said judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter such erection or object, or authorizing the said corporation or the said commissioners to remove or alter such erection or object and for that purpose to enter upon the said land, and *The Judges' Orders Enforcement Act* shall apply to any such order.

Rev. Stat.,
c. 123.

The
Municipal
Act not to
apply.

Rev. Stat.,
266.

Short title.

(4) The owner of the land in respect of which an application is made under this section shall not be entitled to compensation under *The Municipal Act*.

6. This Act may be cited as *The City of Toronto Act, 1939*.

SCHEDULE A

No. 14913. A BY-LAW

Respecting Noises.

[Passed March 14th, 1938.]

The Council of the Corporation of the City of Toronto enacts as follows:

I.

No person shall ring any bell, blow or sound any horn or cause same to be rung, blown or sounded, shout, or create, cause or permit any unnecessary noise which disturbs the inhabitants.

II.

For the purpose of Section I, the following noises or sounds, among others, shall be deemed to be unnecessary noises which disturb the inhabitants:

- (1) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, street car, or other vehicle of whatsoever kind, except when required by law.
- (2) The sounding of any such bell, horn, siren or signal device for an unnecessary or unreasonable period of time.
- (3) The sound or noise from or created by any radio or phonograph, or any musical or sound-producing instrument of whatsoever kind when such radio or phonograph or instrument is played or operated in such manner or with such volume as to annoy or disturb the peace, quiet, comfort or repose of any individual in any dwelling house, apartment house, hotel or other type of residence.
- (4) Any sound made by any animal or bird which disturbs the peace, quiet, comfort or repose of any individual in the neighbourhood.
- (5) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof.
- (6) The blowing of any steam or air whistle attached to or used in connection with any stationary boiler or other machine or mechanism, except for the purpose of giving notice to workmen of the time to commence or cease work or as a warning of danger.
- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises.
- (8) Any unnecessary noise arising between the hour of 6.00 o'clock p.m. of any day and 7.00 o'clock a.m. of the next following day from any excavation or construction work whatsoever, including the erection, demolition, alteration or repair of any building, authorized by the Corporation, except in case of urgent necessity and then under a permit from the Commissioner of Buildings or Commissioner of Works.
- (9) Any unnecessary noise in the vicinity of any school, seminary of learning or court while the same is in session or in the vicinity of

any hospital or convalescent or rest home when such noise interferes with the undertaking of such hospital or home, provided conspicuous signs are displayed in or upon the streets adjoining any such school, court, hospital or home indicating that loud noises are prohibited in the vicinity.

- (10) The noise created by driving any vehicle bearing material, articles or things which are loaded upon such vehicle in such manner as to create such noise.
- (11) The noise or sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place.
- (12) The noise or sound created by the use or operation of any radio or mechanical loudspeaker or amplifier or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus in or upon any vehicle except for such time and under such conditions as the Board of Commissioners of Police may prescribe.
- (13) Crying, shouting or loud speaking in or adjacent to any public street or place.

III.

None of the provisions of this By-law shall apply to:

- (1) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, provided written permission of the Board of Commissioners of Police has first been obtained.
- (2) Any military or other band or any parade, operating under written permission first obtained from the Board of Commissioners of Police.
- (3) Any newsboy, peddler, hawker or petty tradesman plying his calling legitimately and moderately.
- (4) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (5) The sound from any private radio in a motor vehicle, installed for the sole benefit or entertainment of the operator and occupants of such vehicle, when same is not audible at a distance of twenty-five feet from such vehicle.
- (6) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway.
- (7) Any case of public convenience or necessity.

IV.

Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, at the discretion of the convicting magistrate, a penalty not exceeding (exclusive of costs) the sum of \$50.00 for each offence; and every such penalty shall be recoverable under The Summary Convictions Act, all of the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months.

V.

This By-law shall take effect upon, from and after being validated by the Legislature of the Province of Ontario.

R. C. DAY,
Mayor.

J. W. SOMERS,
City Clerk.

COUNCIL CHAMBER,
Toronto, March 14th, 1938.
(L.S.)

SCHEDULE B

THIS AGREEMENT made this 23rd day of February, one thousand nine hundred and thirty-nine.

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO,
Hereinafter called the City,

OF THE FIRST PART,

—and—

THE TORONTO HARBOUR COMMISSIONERS,
Hereinafter called the Commissioners,

OF THE SECOND PART.

WHEREAS by an Act passed by the Legislature of the Province of Ontario in the first year of the reign of His Majesty King George the Sixth, Chapter 105, the City was authorized to establish, construct, equip, maintain, operate and use an airport as therein defined and to enter into agreements with any person in respect thereto;

AND WHEREAS by Report No. 1 of the Special Committee re establishment of airport facilities, adopted in Council July 9th, 1937, it was recommended that the Commissioners take charge of the construction and operation of certain airports for and at the expense of the City;

AND WHEREAS the City has acquired and is the owner of the lands described in Schedule "A" hereto annexed and the Commissioners on behalf of the City have established and constructed thereon an airport called the "Toronto Malton Airport" hereinafter referred to as "the Airport";

AND WHEREAS the City has by Indenture of Lease, dated the 15th day of November, 1938, demised and leased unto His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, that portion of the Airport therein described (hereinafter referred to as "the Airport proper"), upon the terms and conditions therein set forth;

AND WHEREAS the City has by a further Indenture of Lease, dated the 19th day of September, 1938, demised and leased unto Trans-Canada Air Lines the portion of the Airport therein described for use as a site for a hangar, together with necessary apron therefor, upon the terms and conditions therein set forth;

NOW THIS AGREEMENT WITNESSETH that the Parties hereto have agreed as follows:

1. The City entrusts to the Commissioners the control, maintenance, management and operation of the Airport as described in Schedule "A" hereto annexed subject to the said leases to His Majesty the King and Trans-Canada Air Lines.

2. The Commissioners will control, maintain, manage and operate the Airport and any additions thereto on behalf of the City subject to the leases aforesaid and subject to the provisions of this agreement so as to secure the most effective operation of the same consistent with good management.

3. The Commissioners covenant and agree that in carrying out this agreement they will comply with the terms and conditions of the Agreement between His Majesty the King, represented therein by the Honourable the Minister of Transport for the Dominion of Canada, and the City, dated the 10th day of November, 1937, with reference to airports, in so far as such Agreement relates to the control, maintenance, management or operation of the Airport.

4. The Commissioners shall, in particular, but not so as to restrict their general powers and duties, have in respect to the Airport the following powers and duties, namely:

- (a) To lease, upon such terms and conditions as the Commissioners may deem advisable, any land forming part of the Airport but not required for purposes of the Airport proper, for any term not in excess of two years and to execute any document in connection therewith on behalf of and in the name of the City;
- (b) To negotiate leases of any of the said land for terms in excess of two years or sales thereof and to make recommendations in respect thereto to the Council of the City. No such lease or sale shall be made except in strict conformity with the Rules and Regulations pertaining to airports as from time to time in force;
- (c) To effect collection of all such tolls and revenues as may from time to time be authorized by the said regulations;
- (d) To keep, observe and perform on behalf of the City the covenants, provisoes and conditions by the City to be kept, observed and performed contained in the leases to His Majesty the King and Trans-Canada Air Lines hereinbefore referred to and in any lease hereinbefore or hereafter entered into of any portion of the Airport and to enforce on behalf of the City all covenants, provisoes and conditions by the lessee to be kept, observed and performed by the terms of any of the said leases;
- (e) With the approval of the Commissioner of Assessment of the City, to dispose of any buildings or structures on the Airport not required for airport purposes;
- (f) To maintain insurance to such amount as will protect the City and the Commissioners from any claim for damages for personal injuries (including death) or for damages to property, arising from any alleged negligence in the construction or operation of the Airport.

5. The Commissioners may defend, settle or compromise as they may deem expedient, any claim or demand made against them or the City by reason of alleged negligence in the construction or operation of, or otherwise in respect to, the Airport, and shall have the conduct and control of all actions or proceedings resulting from any such claim or demand.

6. The Commissioners will keep separate books of account with reference to the matters entrusted to them by this agreement and will enter therein all items received or expended in respect of such matters.

7. The net proceeds of any sale, lease or disposition of property referred to in paragraph No. 4 hereof shall be handed over to the Commissioners for the purposes of this agreement and in addition thereto the City will from time to time furnish to the Commissioners such monies as may be necessary to carry out their powers and duties hereunder.

8. All monies received by the Commissioners under the provisions of this agreement shall be kept entirely separate from any other monies in their possession and it shall be illegal for the Commissioners (except with the approval of the City) to use or resort, whether by way of loan or otherwise, to such first named monies for any purpose not contemplated by this agreement or to use or resort to in like manner for any of the purposes contemplated by this agreement any other monies in their possession.

9. Immediately after the close of each calendar year the Commissioners shall submit to the Council of the City a completely audited balance sheet and certified financial statement of the affairs entrusted to them by this agreement including a revenue and expense account and profit and loss statement together with a general report of the operations of the Commissioners under this agreement during the year.

10. All books, documents, transactions and accounts of the Commissioners in respect to their operations hereunder shall at all times be open for inspection by the Audit Department of the City.

11. The Commissioners will, after providing for control, maintenance, management and operation as they shall think proper, pay to the City any surplus of revenues over expenditures remaining in their hands at the end of any calendar year in respect to the Airport entrusted to their management by this agreement.

12. If at any time either party hereto shall determine that further management or operation of the Airport on behalf of the City by the Commissioners is unnecessary or inadvisable and shall give to the other party notice in writing of such determination, then this agreement shall terminate at the end of a period of one year after receipt of such notice and in such event the Commissioners shall perform all acts necessary to transfer to the City all interest of the Commissioners (if any) in the Airport as the same may then exist; Provided however, that if the Commissioners comply in every respect with the terms of this agreement, such notice may not be given until after the expiration of two years from the date hereof.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their Corporate Seals by the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE CITY OF
TORONTO

In the Presence of:

R. C. DAY,
Mayor.

(Seal)

H. REBURN,
Deputy Treasurer.

THE TORONTO HARBOUR
COMMISSIONERS

THOMAS RENNIE,
Chairman.

(Seal)

F. R. SCANDRETT,
Secretary.

CHAPTER 74.

An Act respecting the Estate of Margaret Emma
Bingham, deceased, and the Toronto General
Hospital.

Assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

WHEREAS the Trustees of the Toronto General Hospital ^{Preamble.} have by their petition represented that Margaret Emma Bingham, of the city of Toronto, in the county of York, widow, died on or about the 20th day of September, 1934, having first made and published her last will and testament bearing date the 27th day of June, 1934, and codicil thereto bearing date the 31st day of July, 1934, of which probate was granted on the 29th day of September, 1934, to Walter Dymond Gregory, of the township of Trafalgar, in the county of Halton, Barrister-at-Law, one of the executors named in the said will and codicil; that the said Margaret E. Bingham, after making provision for the payment of certain legacies and bequests, did by clause 10 of paragraph III of her said will direct that the residue of her estate, after paying all expenses in connection with the administration thereof, be paid to the Trustees of the Toronto General Hospital to be used by the said Trustees in the purchase of such site as they in their absolute discretion may think best and in the erection and maintenance of a home connected with the Toronto General Hospital for the use of patients while convalescing from illness, such home to be a memorial to her late husband, George A. Bingham, M.D., C.M.; that the said residue is insufficient to provide for such site and home and the maintenance thereof; that the said George A. Bingham did during his lifetime express the wish and hope that the surgical arrangements of the Toronto General Hospital might be centralized on one floor of the said Hospital and that such wish and hope was concurred in by his widow, the said Margaret E. Bingham; and whereas the Trustees of the Toronto General Hospital have by their petition prayed that an Act may be passed empowering them to use the said residue for the purpose of establishing and maintaining a centralized operating room service in the main building of the said Hospital as a memorial to the said George A. Bingham; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to establish centralized operating room service.

1. Notwithstanding anything contained in clause 10 of paragraph III of the last will and testament of Margaret E. Bingham, deceased, bearing date the 31st day of July, 1934, the Trustees of the Toronto General Hospital are hereby empowered and authorized to use the residue mentioned in the said clause of the said will for the purpose of establishing and maintaining a centralized operating room service in the main building of the Toronto General Hospital as a memorial to the said George A. Bingham, to be known as "The Doctor George A. Bingham Memorial Surgery," or by such other name as may be deemed proper and suitable by the said Trustees.

Residue to be paid over and receipt given.

2. Upon the coming into force of this Act the executor and trustee of the estate of the said Margaret E. Bingham shall pay and account for the residue mentioned in section 1 to the Trustees mentioned in section 1, including the furniture and personal chattels referred to in the clause of said will mentioned in section 1, and the receipt therefor of the Trustees mentioned in section 1 shall be a complete discharge to the executor and trustee of the estate of the said Margaret E. Bingham in respect thereof.

Short title.

3. This Act may be cited as *The Toronto General Hospital Act, 1939*.

CHAPTER 75.

An Act respecting the Township of Trafalgar.

Assented to April 27th, 1939.

Session Prorogued April 27th, 1939.

WHEREAS the corporation has by its petition prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.

(a) "Board" shall mean Ontario Municipal Board;

"Board."

(b) "Commission" shall mean Lake Shore Water Com-
mission;

"Commis-
sion."

(c) "Corporation" shall mean corporation of the township
of Trafalgar;

"Corpor-
tion."

(d) "Council" shall mean council of the corporation of
the township of Trafalgar;

"Council."

(e) "Township" shall mean township of Trafalgar.

"Township."

2. The lands in the Township described in Schedule A hereto are hereby set apart as a water and fire area to be called "Water Area 'A'."

Water Area
'A' created

3.—(1) The Lake Shore Water Commission is hereby established.

Lake Shore
Water Com-
mission
established

(2) The Commission shall be a body corporate and shall consist of three members of whom the head of the Council shall *ex officio* be one and the others shall, subject to subsection 3, be elected and shall hold office in the manner provided by subsections 1, 2 and 4 of section 37 of *The Public Utilities Act*, provided that the first members of the Commission hereby appointed shall be the reeve of the Council, and Thomas Peckitt, who is to hold office until the annual

How com-
posed.

Rev. Stat.
c. 286.

election of the members of the Council next held after the passing of this Act, and George Fish, who is to hold office until the second annual election of the members of the Council held after the passing of this Act.

Electors.

(3) Every person resident or owning land within any water or fire area within the township being a qualified elector of the Township shall be eligible to vote at any election of the members of the Commission and subject to subsection 4 of section 37 of *The Public Utilities Act* any such person shall be eligible to be elected to the Commission.

Rev. Stat.,
c. 286.

Commission
to have
powers of
corporation.

(4) Except as this Act otherwise provides, the Commission shall possess and may exercise within any water or fire area created under or by virtue of this Act all the powers, rights, authorities and privileges with respect to the construction, operation, extension, alteration, repair, control and management of water, water supply, the water system and fire protection heretofore or hereafter conferred upon or exercisable by the Corporation, provided that nothing contained in this Act shall divest the Council of its authority for providing the money required for such works.

Further
powers of
Commission.

(5) Subject to section 7, the Commission may enter into agreements and contracts of all kinds with any municipality for the supply of water, installation of hydrants, fire fighting equipment and for any other services incidental to the supply of water with respect to the service of any area and waterworks system maintained and operated under this Act, upon such terms and for such times as may be agreed without the assent of the electors of the Township or of any such other municipality, provided that no such agreement or contract shall have any force or effect until approved by the Board and all costs, charges and expenses in connection with any such agreement or contract may be assessed or levied on the rateable property in the area benefited thereby or if in more than one area then on the rateable property in such areas in such proportions as the Commission may by by-law determine.

Power re
other utility
works.

4. The Council may by by-law entrust the control and management of any other public utility works to the Commission or to any other commission which may be established and in operation in the Township.

Creation of
waterworks
and con-
struction of
works.

5. In addition to Water Area "A" created by this Act, the Council may pass by-laws to set apart and establish as a water area, or water areas, any remaining portion of the Township described in any such by-law for water and water supply purposes, or to construct, enlarge, extend, improve and operate waterworks systems within or outside of any water area to serve such area or areas.

6.—(1) Subject to subsection 2, and save and except the cost of such works as are undertaken pursuant to *The Local Improvement Act* as hereinafter provided, the entire cost of the construction, enlargement, extension, improvement, operation, maintenance, management and repair of any waterworks system established under this Act shall be assessed and levied upon all the rateable property in the area served by such works; provided that where such works are undertaken to serve more than one area the Commission shall by by-law determine the portion of the cost thereof to be borne by each of such areas.

Assessment
of cost.
Rev. Stat.,
c. 269.

(2) Where the work is the construction of a watermain and the Commission is of opinion that any lot is not benefited by the work or is not benefited thereby to the same extent as other lots the Commission may, in the by-law for undertaking the work, exempt such lot from or make such reduction in the assessment which would otherwise be chargeable thereon, as the Commission may deem fair and equitable.

Exception
as to water-
mains.

7.—(1) The Council may pass by-laws pursuant to paragraphs 2, 3, 4 and 5 of section 425 of *The Municipal Act* but no such by-law shall without the approval of the Commission apply to or affect said water area "A".

Fire areas
may be
established.
Rev. Stat.,
c. 266.

(2) The Council may pass by-laws entrusting the control, operation and maintenance of fire protection in any fire area to the Commission.

Council may
exercise fire
protection,
the Com-
mission.

8.—(1) The Commission may undertake within any water area the construction of waterworks systems, watermains, and the necessary appliances and accessories and private drain connections as local improvements pursuant to *The Local Improvement Act*, and may provide for the cost thereof in the manner provided by subsection 1 of section 64 of such Act save that where a work is constructed to serve lands situate within more than one area the Commission shall by by-law determine the portion of cost to be borne by each area and such respective portions shall be assessed in such areas in the manner provided in this section.

Certain
works as
local im-
provements.
Rev. Stat.,
c. 269.

(2) The Commission may exercise the discretion, authority and power to make exemptions, reductions and adjustments in the assessments with respect to the works undertaken pursuant to this section as is given to a council with respect to certain works under sections 29 and 31 of *The Local Improvement Act*.

Power of
Commission
as to
exemptions,
etc.
Rev. Stat.,
c. 269.

(3) The Commission may by by-law determine the annual rate per foot frontage, in satisfaction of the owners' portion of the cost, which shall be assessed upon, levied and collected

Fixed
frontage
rate.

from lots fronting or abutting directly on or served by the watermains constructed in the section or area designated in such by-law during the currency of the debentures issued to pay for the cost of such watermains and that the remainder, if any, of the cost not provided for by such annual rate shall be assessed and levied upon the rateable property in such section or area, provided that if in any case such annual rate per foot frontage shall be more than sufficient to provide for the actual cost of the watermains the surplus resulting therefrom shall be deposited to a special account to be used by the Commission for the benefit of such section or area.

Publication
of notices.

Rev. Stat.,
c. 269.

(4) In any notice of the Commission published, served or mailed pursuant to sections 10, 12, 41 or 46 of *The Local Improvement Act* in respect to the construction of watermains it shall not be necessary to show the portion of the cost, actual or estimated, which is to be borne by the Corporation or the area, but it shall be sufficient to show the estimated cost of the work and the estimated cost thereof per foot frontage.

Maintenance
of work.

(5) Every completed work shall during its lifetime be maintained, managed and kept in repair by and at the expense of the area for the benefit of which it was constructed or if constructed for the benefit of more than one area then at the expense of the areas in proportion to their respective shares of the cost of the construction thereof.

Alteration
of areas.

9. The Council may, after notice to the Commission, pass by-laws to enlarge or reduce any water or fire area by annexing thereto such portion of the Township or of any other existing area, or by withdrawing therefrom such portion of such area as may be designated in the by-law, or to amalgamate any two or more areas or parts thereof into one water area, or to make the whole of the Township or any portion thereof one water or fire area, or to subdivide, vary or alter any one or more areas, upon such terms and conditions and with such adjustments of rates as may be provided in such by-law, provided that nothing contained in this section shall give the Council power to interfere with or prejudice any debenture or other indebtedness to which any area may be subject.

All rates to
be deemed
local im-
provement
rates.
Rev. Stat.,
c. 266.

10. The rates imposed and levied under this Act shall be deemed to be local improvement rates for the purposes of section 315 of *The Municipal Act*.

Require-
ments as to
by-laws.

11. It shall not be necessary to submit for the assent of the electors any by-law passed under this Act save and except any by-law requiring the expenditure of money by the Commission or the council where such assent is required by *The*

Municipal Act, provided that no by-law authorized by this Act to establish a water or fire area, or to apportion the cost of any work undertaken under this Act between two or more areas or parts thereof, or to declare the desirability of undertaking or to undertake the construction of any such work shall be valid unless such by-law has been passed at a meeting of the Council or Commission by vote of two-thirds of all the members thereof and approved by the Board.

12. Every existing area of the Township declared or defined by by-law, agreement or otherwise to be a water area is hereby dissolved, provided that nothing in this section shall prejudice the existence or validity of any debentures or other indebtedness to which any such area is now subject or to any rights to which any such area is now entitled, and with respect to such outstanding debentures and other indebtedness or rights, all liability and powers thereunder are hereby reserved as though this Act had not been passed.

13.—(1) Every difference or dispute between the Corporation and the Commission and all rights and claims between the respective portions of the Township made into one or more water or fire areas under this Act shall be valued, adjusted or determined by the Board or by a referee appointed by the Board and the Board may exercise such jurisdiction and powers as may be necessary for the purpose of having such rights and claims valued, adjusted or determined and *The Ontario Municipal Board Act* shall be applicable thereto.

Settlement
of disputes.

Rev. Stat.,
c. 60.

(2) Every by-law passed under section 4, 5 or 9 shall come into force and take effect on the 31st day of December following unless the Board otherwise directs.

Board to
approve
certain
by-laws.

14. This Act may be cited as *The Township of Trafalgar Act, 1939*.

Short title.

SCHEDULE A

Those parts of the township of Trafalgar referred to in the following by-laws of the said township:

By-law No. 369	passed June 7th, 1926,
" " 290	passed May 12th, 1930,
" " 314	passed September 12th, 1931,
" " 323	passed November 27th, 1931,
" " 324	passed November 27th, 1931,
" " 345	passed November 7th, 1932,
" " 365	passed December 15th, 1933,
" " 379	passed September 24th, 1934,
" " 380	passed October 15th, 1934,
" " 385	passed December 3rd, 1934,
" " 393	passed in the year 1935.

CHAPTER 76.

An Act respecting the Town of Trout Creek.

Assented to April 27th, 1939.
Session Prorogued April 27th, 1939.

WHEREAS the corporation of the town of Trout Creek Preamble.
 has by its petition prayed for special legislation to
 enable it to obtain electric power from The Hydro-Electric
 Power Commission of Ontario under Part IV of *The Power* Rev. Stat.,
Commission Act providing for the distribution of power in c. 62.
 rural power districts; and whereas it is expedient to grant
 the prayer of the said petition;

Therefore, His Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. For the purposes of *The Power Commission Act* the Trout Creek
 municipality of the town of Trout Creek shall be deemed a town deemed
 township and Part IV of *The Power Commission Act* shall township for
 apply accordingly. rural power.
Rev. Stat.,
c. 62.

2. This Act may be cited as *The Town of Trout Creek Act*, Short title.
 1939.

CHAPTER 77.

An Act respecting the Town of Waterloo.

*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

WHEREAS the corporation of the town of Waterloo, Preamble.
 hereinafter called the corporation, has by petition represented that the council of the corporation did on the 5th day of December, 1938, submit for the approval of the electors of the municipality qualified to vote on money by-laws, a proposed by-law entitled:

"By-law to provide for borrowing \$50,000.00 upon debentures to pay the cost of erecting a municipal arena in the Town of Waterloo,"

when of the 1133 electors voting on such by-law, 782 voted for such by-law and 351 voted against such by-law; that as the vote is favourable the corporation desires to erect a municipal arena and auditorium; and the corporation has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, the council of the corporation may establish, erect, equip, maintain and operate an auditorium and skating arena which shall be known as the "Civic Auditorium," and for such purpose may acquire land by expropriation or otherwise and pass a by-law or by-laws to authorize the issue of debentures of the corporation to raise a sum not exceeding \$50,000 payable in equal annual instalments within a term not exceeding fifteen years from the date of the issue thereof, and bearing interest at such rate as the said council may deem advisable. Power to establish "Civic Auditorium."

2.—(1) The Civic Auditorium shall be under the management and control of a Commission consisting of,— Commission to control Auditorium.

(a) the mayor;

(b) the town engineer; and

(c) four resident ratepayers who are not aldermen, to be appointed by the council of the corporation.

Organization
etc., of the
Commission.

(2) The council of the corporation may by by-law provide for the organization of such commission and for the establishment of the rights, duties, powers and obligations thereof, including the right to fix and collect prices for admission into and use of the said Civic Auditorium.

Short title.

3. This Act may be cited as *The Town of Waterloo Act, 1939*.

CHAPTER 78.

An Act respecting The Women's Christian
Association of Belleville.*Assented to April 27th, 1939.**Session Prorogued April 27th, 1939.*

WHEREAS The Women's Christian Association of Belleville, a corporation, has by its petition represented that pursuant to its powers it has maintained a general hospital in the city of Belleville and that additional powers are desired in order to improve and extend the said hospital; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Women's Christian Association of Belleville may borrow money on the credit of the said Association for the purposes of the said Association in such amounts and on such terms and from any person, firm or corporation, including a chartered bank, as the said Association may by by-law determine, and the said Association may mortgage, hypothecate or pledge any of its property, real or personal, as security for any loan. ^{Borrowing powers.}

2. This Act may be cited as *The Women's Christian Association of Belleville Act, 1939.* ^{Short title.}

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Order-in-Council, 8th December, 1937—GAZETTE, 11th December, 1937.

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- Barbering Industry (Sarnia zone).
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- Barbering Industry (Stratford zone).
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- Barbering Industry (Toronto zone).
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- Barbering Industry (Welland zone).
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- Carpentry Industry (Kingston zone).
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- Carpentry industry (Ottawa zone).
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- Carpentry Industry (Pembroke zone).
Order-in-Council, 29th September, 1937—GAZETTE, 9th October, 1937.
- Carpentry Industry (Sault Ste. Marie zone).
Order-in-Council, 29th September, 1937—GAZETTE, 9th October, 1937.
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- Industrial Standards Regulations.
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- Logging Industry (Massey zone).
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- Logging Industry (Port Arthur Forestry Division).
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- Logging Industry (Timmins Forestry Division).
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- Logging Industry (Timmins Forestry Division)—Correction notice.
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- Plastering Industry (Toronto zone).
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- Soft Furniture Industry (Toronto zone).
Order-in-Council, 29th September, 1937—GAZETTE, 9th October, 1937.

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Proclamation, 4th January, 1937—GAZETTE, 9th January, 1937.

Convening (Second Session, 1937).

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Proclamation, 25th August, 1937—GAZETTE, 28th August, 1937.

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GAZETTE, 23rd October, 1937.

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GAZETTE, 26th June, 1937.

GAZETTE, 14th August, 1937.

GAZETTE, 11th September, 1937.

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Laundries, cleaning and pressing parlours, dry-cleaning establishments and dye works in Province of Ontario, Board order re minimum wage for female employees.

GAZETTE, 9th January, 1937.

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Land in Thunder Bay District set aside as Government Park, withdrawn from operation of The Mining Act.

Order-in-Council, 23rd August, 1937—GAZETTE, 4th September, 1937.

Order-in-Council, 17th December, 1937—GAZETTE, 25th December, 1937.

Regulations governing survey of mining claims.

Order-in-Council, 30th April, 1937—GAZETTE, 22nd May, 1937.

Sibley, Township of, certain lands in, withdrawn from prospecting, staking out, sale or lease.

Order-in-Council, 1st February, 1937—GAZETTE, 6th February, 1937.

Snider, Township of, patent granted to International Nickel Co. any of surface rights in certain portions of.

Orders-in-Council, 9th February, 1937—GAZETTE, 13th February, 1937.

MINING TAX ACT.

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Order-in-Council, 22nd July, 1937—GAZETTE, 14th August, 1937.

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Order-in-Council, 22nd July, 1937—GAZETTE, 14th August, 1937.

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GAZETTE, 15th May, 1937.

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Order-in-Council, 29th September, 1937—GAZETTE, 9th October, 1937.

PROVINCIAL LAND TAX ACT.

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Order-in-Council, 8th May, 1937—GAZETTE, 15th May, 1937.

Certificate of forfeiture.

GAZETTE, 24th April, 1937.

GAZETTE, 6th November, 1937.

PUBLIC INQUIRIES ACT.

Commission of inquiry into operation of transporting freight and passengers by motor vehicle.

Proclamation, 26th August, 1937—GAZETTE, 28th August, 1937.

RAILWAY FIRE CHARGE ACT.

Charges payable for 1937.

GAZETTE, 13th February, 1937.

SURROGATE COURTS ACT.

Rule re taking of affidavits by solicitor.

Order-in-Council, 15th May, 1937—GAZETTE, 3rd July, 1937.

WRITS OF ELECTION.

Issue of.

Proclamation, 25th August, 1937—GAZETTE, 28th August, 1937.

1938

APPRENTICESHIP ACT.

Regulations re building trades, addition to.

Order-in-Council, 28th May, 1938—GAZETTE, 11th June, 1938.

BEACH PROTECTION ACT.

Prohibition against removing and carrying away of sand, gravel, stone or earth from shores of Lake Ontario in Township of Niagara.

Proclamation, 30th November, 1938—GAZETTE, 10th December, 1938.

BRIDGES ACT.

Deposit of plan for bridge across Pic River.

GAZETTE, 30th April, 1938.

DAIRY PRODUCTS ACT.

Regulations re cheese factories, dairy plants, creameries, cheese and butter makers, milk and cream testers, weighing, grading, sampling and testing of milk and cream, etc.

Order-in-Council, 10th September, 1938—GAZETTE, 8th October, 1938.

Regulations amended.

Order-in-Council, 13th October, 1938—GAZETTE, 22nd October, 1938.

DEPARTMENT OF LABOUR.

Regulations respecting persons working in compressed air, and in tunnels, open caissons, coffer dams and crib work.

Order-in-Council, 24th June, 1938—GAZETTE, 16th July, 1938.

FARM PRODUCTS CONTROL ACT.

Asparagus,—scheme, order and regulations re marketing of.

Proclamation, 26th March, 1938—GAZETTE, 2nd April, 1938.

Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.

Cheddar Cheese, regulations re marketing and regulation of, amended.

Order-in-Council, 30th June, 1938—GAZETTE, 30th July, 1938.

Cheddar Cheese, order of the Board made pursuant to scheme for the marketing and regulation of, amended.

Order-in-Council, 30th June, 1938—GAZETTE, 30th July, 1938.

Peaches, scheme, order and regulations re marketing of, for processing and preserving.

Order-in-Council, 13th July, 1938—GAZETTE, 30th July, 1938.

Pears, plums and cherries, scheme, order and regulations re marketing for processing.

Order-in-Council, 20th June, 1938—GAZETTE, 25th June, 1938.

FARM PRODUCTS GRADES AND SALES ACT.

Regulations re grading, inspecting, marking, selling, packages and packing, handling and advertising dairy products.

Order-in-Council, 10th September, 1938—GAZETTE, 15th October, 1938.

GAME AND FISHERIES ACT.

Beamsville Crown Game Preserve,—Order-in-Council, 16th December, 1932, establishing, rescinded.

Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.

Deer, open season for.

Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.

Order-in-Council, 3rd November, 1938—GAZETTE, 12th November, 1938.

GAME AND FISHERIES ACT—*Continued*

- Ducks and Geese (wild), may be hunted in Game Preserve areas under certain circumstances.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- English ring-necked pheasants, open season for, in Township of Pelee.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- English ring-necked cock pheasants, open season for.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Firearms, using in Game Preserve Area prohibited, exception as to owner of land protecting property.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Fishing Licenses, Order-in-Council, 14th March, 1926, governing, amended.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Game, taking and killing in Game Preserve Area prohibited.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Groundhogs, shooting of, in regulated Game Preserve Areas.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Hannah Bay Water Fowl Sanctuary, establishment of.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Hares and rabbits, hunting of, in Regulated Game Preserve Areas.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Moose, open season for.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Open seasons, may be declared in Game Preserve Areas.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Partridge, open season for.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Pheasants, special licenses for hunting in regulated Game Preserve Area.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Quail, open season for.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Regulated Game Preserve Areas—
 establishment of,
 open season may be declared in,
 paragraph 6 and schedule of Order-in-Council dated 14th September, 1937,
 establishing, cancelled,
 Schedule of.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Skins and pelts of fur-bearing animals, shipment by aeroplane prohibited except under special license.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- South Dumfries Crown Game Preserve, boundaries defined. Order-in-Council, May 5th, 1926, establishing, (par. 2) cancelled.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Squirrel, open season for.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Water-fowl Feeding Sanctuaries, schedule of (Order-in-Council, September 14th, 1937) amended.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.
- Woodcock, shooting of, in regulated Game Preserve Areas.
 Order-in-Council, 21st October, 1938—GAZETTE, 29th October, 1938.

GUARANTEE COMPANIES SECURITIES ACT.

- Bonds of Toronto General Insurance Company given and accepted as security.
 Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.

HIGHWAY IMPROVEMENT ACT.

- Mileage added to King's Highway System.
 GAZETTE, 9th April, 1938.
 Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
 GAZETTE, 21st May, 1938.
 GAZETTE, 4th June, 1938.
 GAZETTE, 2nd July, 1938.
 GAZETTE, 23rd July, 1938.
 Order-in-Council, 30th July, 1938—GAZETTE, 30th July, 1938.
 GAZETTE, 24th September, 1938.
 GAZETTE, 15th October, 1938.

HIGHWAY TRAFFIC ACT.

- Application of subsection 1 of section 79 to judgments recovered against residents of Ontario in courts of Illinois, U.S.A.
 Proclamation, 3rd November, 1938—GAZETTE, 12th November, 1938.

INDUSTRIAL STANDARDS ACT.

Schedule of Hours and Wages.

- Barbering Industry (Arnprior and Renfrew zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Barbering Industry (Brockville zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Barbering Industry (Cobourg zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
- Barbering Industry (Fergus and Elora zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.
- Barbering Industry (Kirkland Lake zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
Correction—GAZETTE, 9th April, 1938.
- Barbering Industry (Midland, Penetanguishene, Port McNicoll and Victoria Harbour zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
Correction—GAZETTE, 9th April, 1938.
- Barbering Industry (Ottawa zone).
Order-in-Council, 30th November, 1938—GAZETTE, 10th December, 1938.
- Barbering Industry (Perth and Carleton Place zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.
- Barbering Industry (Petrolia and Forest zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Barbering Industry (Port Colborne-Humberstone zone).
Order-in-Council, 13th October, 1938—GAZETTE, 22nd October, 1938.
- Barbering Industry (Port Hope zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
- Barbering Industry (Prescott, Cardinal, Iroquois and Morrisburg zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Barbering Industry (St. Mary's zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Barbering Industry (St. Thomas zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.
- Barbering Industry (Sarnia zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Barbering Industry (Simcoe zone).
Order-in-Council, 13th October, 1938—GAZETTE, 22nd October, 1938.
- Barbering Industry (Smith's Falls zone).
Order-in-Council, 30th November, 1938—GAZETTE, 10th December, 1938.
- Barbering Industry (Sudbury and Copper Cliff zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
- Barbering Industry (Timmins, Schumacher and South Porcupine zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.
- Barbering Industry (Toronto zone).
Order-in-Council, 13th July, 1938—GAZETTE, 23rd July, 1938.
- Barbering Industry (Windsor zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Bricklaying and Stonemasonry Industry (Ottawa zone).
Order-in-Council, 13th October, 1938—GAZETTE, 22nd October, 1938.
- Bricklaying and Stonemasonry Industry (Windsor zone).
Order-in-Council, 10th May, 1938—GAZETTE, 14th May, 1938.
- Carpentry Industry (Brantford zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.
- Carpentry Industry (Cornwall zone).
Order-in-Council, 28th May, 1938—GAZETTE, 4th June, 1938.
- Carpentry Industry (Sault Ste. Marie zone).
Order-in-Council, 9th April, 1938—GAZETTE, 16th April, 1938.
- Carpentry Industry (Timmins zone).
Order-in-Council, 28th May, 1938—GAZETTE, 4th June, 1938.
- Carpentry Industry (Windsor zone).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Coal Hoisting Industry (Toronto zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.
- Coal Industry (Toronto zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
Correction—GAZETTE, 9th April, 1938.
- Common Labourers Construction Industry (Ottawa zone).
Order-in-Council, 30th November, 1938—GAZETTE, 10th December, 1938.
Correction—GAZETTE, 24th December, 1938.
- Common Labourers Construction Industry (Windsor zone).
Order-in-Council, 10th May, 1938—GAZETTE, 14th May, 1938.

INDUSTRIAL STANDARDS ACT—*Continued*

- Electrical Repair and Construction Industry (Ottawa zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
Correction—GAZETTE, 9th April, 1938.
- Garage Industry (Elgin County zone).
Order-in-Council, 18th August, 1938—GAZETTE, 10th September, 1938.
- Hairdressing and Barbering, regulations amended.
Order-in-Council, 28th May, 1938—GAZETTE, 11th June, 1938.
Correction in date of Order-in-Council—GAZETTE, 23rd July, 1938.
- Hard Furniture Industry (Province of Ontario).
Order-in-Council, 10th May, 1938—GAZETTE, 21st May, 1938.
- Jewellery Industry (Toronto zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.
- Ladies Cloak and Suit Industry (Province of Ontario).
Order-in-Council, 6th January, 1938—GAZETTE, 15th January, 1938.
- Logging Industry (Port Arthur Forestry Division).
Order-in-Council, 9th April, 1938—GAZETTE, 16th April, 1938.
- Logging Industry (Rainy River zone).
Order-in-Council, 3rd November, 1938—GAZETTE, 12th November, 1938.
- Logging Industry (Timmins zone).
Order-in-Council, 24th June, 1938—GAZETTE, 2nd July, 1938.
- Painting and Decorating Industry (Kingston zone).
Order-in-Council, 3rd November, 1938—GAZETTE, 12th November, 1938.
- Plastering Industry (London zone).
Order-in-Council, 28th January, 1938—GAZETTE, 5th February, 1938.
- Plastering Industry (Ottawa zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
- Plumbing and Heating Industry (Ottawa zone).
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.
Correction—GAZETTE, 9th April, 1938.
- Plumbing and Heating Industry (St. Thomas zone).
Order-in-Council, 7th September, 1938—GAZETTE, 10th September, 1938.
- Plumbing and Heating Industry (Township of Teck zone).
Order-in-Council, 9th April, 1938—GAZETTE, 16th April, 1938.
- Plumbing and Heating Industry (Windsor zone).
Order-in-Council, 10th May, 1938—GAZETTE, 14th May, 1938.
- Taxicab Industry (Toronto zone).
Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.

INSURANCE ACT.

- Persons licensed to transact insurance.
GAZETTE, 30th July, 1938.

JUDICATURE ACT.

- Bonds of Toronto General Insurance Company given and accepted as security.
Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.

LEGISLATIVE ASSEMBLY.

- Convening (1938).
Proclamation, 6th January, 1938—GAZETTE, 15th January, 1938.
- Return of members.
GAZETTE, 12th March, 1938.
GAZETTE, 8th October, 1938.
GAZETTE, 22nd October, 1938.

LIQUOR CONTROL ACT.

- Regulations under, approved.
Order-in-Council, 15th December, 1938—GAZETTE, 24th December, 1938.
- Regulations amended.
Order-in-Council, 16th December, 1938—GAZETTE, 31st December, 1938.

MARRIAGE ACT.

- Certain persons authorized to solemnize marriage.
GAZETTE, 26th March, 1938.
GAZETTE, 4th June, 1938.
GAZETTE, 30th July, 1938.
GAZETTE, 1st October, 1938.
GAZETTE, 3rd December, 1938.

MINIMUM WAGE ACT.

- Order of Industry and Labour Board.
GAZETTE, 26th February, 1938.

MINING ACT.

Maisonville Township, lands opened for prospecting.

Order-in-Council, 28th January, 1938—GAZETTE, 5th February, 1938.

Mining leases, cancellation of.

GAZETTE, 28th May, 1938.

Miners' licenses, renewal of.

Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.

Rainy River District, lands withdrawn from staking out, sale or lease under provisions of Act.

Order-in-Council, 3rd November, 1938—GAZETTE, 12th November, 1938.

MINING TAX ACT.

Forfeiture of lands, etc., by reason of non-payment of tax.

GAZETTE, 1st January, 1938.

GAZETTE, 10th September, 1938.

GAZETTE, 10th December, 1938.

MOTOR VEHICLE REPAIR TRADE.

Trade regulations, amended.

Order-in-Council, 18th August, 1938—GAZETTE, 27th August, 1938.

PHARMACY ACT.

Schedule "D" amended.

GAZETTE, 29th January, 1938.

PROVINCIAL LAND TAX ACT.

Annual tax for year 1939.

Order-in-Council, 24th June, 1938—GAZETTE, 2nd July, 1938.

Sale of land forfeited under Act for failure to pay tax.

Order-in-Council, 13th October, 1938—GAZETTE, 22nd October, 1938.

PUBLIC HEALTH ACT.

Pasteurization of milk—
application of section 95a.
regulations re.

Order-in-Council, 24th June, 1938—GAZETTE, 9th July, 1938.

Regulations re—

camp in unorganized territory.

Order-in-Council, 18th August, 1938—GAZETTE, 10th September, 1938.

communicable diseases, control of.

Order-in-Council, 10th December, 1937—GAZETTE, 15th January, 1938.

dental inspection in schools.

Order-in-Council, 10th May, 1938—GAZETTE, 28th May, 1938.

wine, manufacture of.

Order-in-Council, 16th December, 1938—GAZETTE, 31st December, 1938.

PUBLIC OFFICERS FEES ACT.

Bonds of Toronto General Insurance Company given and accepted as security.

Order-in-Council, 26th March, 1938—GAZETTE, 2nd April, 1938.

RAILWAY FIRE CHARGE ACT.

Charges payable for year 1938.

GAZETTE, 12th February, 1938.

REVISED STATUTES.

Proclamation bringing into force, from 24th January, 1938.

Proclamation, 21st January, 1938—GAZETTE, 29th January, 1938.

SANATORIA FOR CONSUMPTIVES ACT.

Regulations, approved.

Order-in-Council, 22nd June, 1938—GAZETTE, 25th June, 1938.

THEATRES AND CINEMATOGRAPHS ACT.

Regulations approved.

Order-in-Council, 15th June, 1938—GAZETTE, 25th June, 1938.

WORKMEN'S COMPENSATION ACT.

Regulations approved.

Order-in-Council, 26th March, 1938—GAZETTE, 9th April, 1938.

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(To MAY 27TH)

ASSESSMENT ACT.

Income tax, corporations' returns as to.

Order-in-Council, 28th April, 1939—GAZETTE, 6th May, 1939.

FACTORY, SHOP AND OFFICE BUILDING ACT.

Boiler inspection—

appointment of inspectors.

regulations re.

Order-in-Council, 30th December, 1938—GAZETTE, 7th January, 1939.

GAME AND FISHERIES ACT.

Beaver, open season for.

Order-in-Council, 1st April, 1939—GAZETTE, 8th April, 1939.

Bear, exportation of, by non-residents.

Order-in-Council, 1st April, 1939—GAZETTE, 8th April, 1939.

Muskrat, open season for, in certain districts.

Order-in-Council, 9th May, 1939—GAZETTE, 20th May, 1939.

HIGHWAY IMPROVEMENT ACT.

Mileage added to King's Highway system.

GAZETTE, 18th March, 1939.

GAZETTE, 29th April, 1939.

INDUSTRIAL STANDARDS ACT.

Schedule of Hours and Wages.

Barbering Industry (Kenora-Keewatin zone).

Order-in-Council, 1st April, 1939—GAZETTE, 8th April, 1939.

Barbering Industry (Wingham zone).

Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Carpentry Industry (Kirkland-Larder Lake zone).

Order-in-Council, 17th January, 1939—GAZETTE, 21st January, 1939.

Carpentry Industry (Timmins zone).

Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Cloak and Suit Industry (Province of Ontario).

Order-in-Council, 9th February, 1939—GAZETTE, 11th February, 1939.

Correction—GAZETTE, 18th February, 1939.

Electrical Repair and Construction Industry (Kingston zone).

Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Electrical Repair and Construction Industry (Kirkland Lake zone).

Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Logging Industry (Thunder Bay District).

Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Men's and Boys' Clothing Industry (Province of Ontario).

Order-in-Council, 1st April, 1939—GAZETTE, 8th April, 1939.

Painting and Decorating Industry (Hamilton zone).

Order-in-Council, 9th May, 1939—GAZETTE, 13th May, 1939.

Painting and Decorating Industry (Toronto and District zone).

Order-in-Council, 28th February, 1939—GAZETTE, 4th March, 1939.

Soft Furniture Industry (Toronto and District zone).

Order-in-Council, 28th February, 1939—GAZETTE, 4th March, 1939.

LEGISLATIVE ASSEMBLY.

Convening (1939).

Proclamation, 31st January, 1939—GAZETTE, 4th February, 1939.

Return of member (East Simcoe).

GAZETTE, 18th February, 1939.

Prorogation.

GAZETTE, 6th May, 1939.

MARRIAGE ACT.

Certain persons authorized to solemnize marriage.

GAZETTE, 7th January, 1939.

GAZETTE, 4th March, 1939.

GAZETTE, 20th May, 1939.

MINING ACT.

Lands withdrawn from operation of Act.

Order-in-Council, 13th April, 1939—GAZETTE, 22nd April, 1939.

Miners' licenses, time for making application for and taking out renewals extended.

Order-in-Council, 1st April, 1939—GAZETTE, 15th April, 1939.

Order-in-Council dated 14th September, 1937, withdrawing lands in District of Thunder Bay from staking out, rescinded.

Order-in-Council, 2nd March, 1939—GAZETTE, 11th March, 1939.

PUBLIC HEALTH ACT.

Regulations re—
bedding.

Order-in-Council, 28th December, 1938—GAZETTE, 7th January, 1939.
communicable diseases (amended).

Order-in-Council, 7th March, 1939—GAZETTE, 25th March, 1939.

PULPWOOD.

Recommendation of Minister as to operations.

Order-in-Council, 9th May, 1939—GAZETTE, 20th May, 1939.

SAWLOGS.

Recommendation of Minister as to operations.

Order-in-Council, 9th May, 1939—GAZETTE, 20th May, 1939.

SECURITIES ACT.

Regulations.

Order-in-Council, 20th May, 1936—GAZETTE, 6th May, 1939.

Regulations amended.

Order-in-Council, 24th November, 1936—GAZETTE, 6th May, 1939.

Order-in-Council, 29th May, 1937—GAZETTE, 6th May, 1939.

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